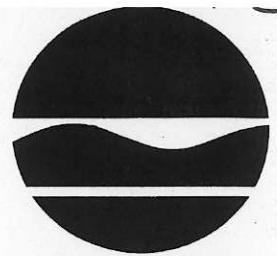


Appendix B

Environmental Information

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

May 12, 2010

RECEIVED

MAY 13 2010

**SHUMAKER CONSULTING
ENGINEERING**

Kelly J. Saladis
Shumaker Engineering
143 Court Street
Binghamton, NY 13901

Dear Ms. Saladis:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Road Intersection Improvement at Route 156 and Washington Avenue, PIN 1757.31, site as indicated on the map you provided, located in the Towns of Guilderland and Colonie and City of Albany, Albany County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g. regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Tara Salerno
Tara Salerno, Information Services
New York Natural Heritage Program

485

Enc.

cc: Reg. 4, Wildlife Mgr.
Peter Nye, Endangered Species Unit, Albany

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

~The information in this report includes only records entered into the NY Natural Heritage databases as of the date of the report. This report is not a definitive statement on the presence or absence of all rare species or significant natural communities at or in the vicinity of this site.

~Refer to the User's Guide for explanations of codes, ranks and fields.

~Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



BUTTERFLIES and SKIPPERS

Satyrrium edwardsii

Edwards' Hairstreak NY Legal Status: Unlisted

NYS Rank: S3S4 - Vulnerable

Office Use
10331

Federal Listing:

Global Rank: G4 - Apparently secure

Last Report: 1987-07

EO Rank: Extant

County: Albany

Town: Albany - City, Colonie, Guilderland

Location: Albany Pine Bush

General Quality and Habitat: The hairstreaks were found in pitch pine-scrub oak barrens.

MOTHS

Cerma cora

Bird Dropping Moth NY Legal Status: Unlisted

NYS Rank: S1S2 - Critically imperiled

Office Use
5875

Federal Listing:

Global Rank: G3G4 - Vulnerable

Last Report: 1990

EO Rank: Extant

County: Albany

Town: Albany - City, Colonie, Guilderland

Location: Albany Pine Bush

General Quality and Habitat: The moth was found in pitch pine-scrub oak barrens.

Chytonix sensilis

A Noctuid Moth NY Legal Status: Unlisted

NYS Rank: S1S3 - Critically imperiled

Office Use
8841

Federal Listing:

Global Rank: G4 - Apparently secure

Last Report: 1990

EO Rank: Extant

County: Albany

Town: Albany - City, Colonie, Guilderland

Location: Albany Pine Bush

General Quality and Habitat: The moths were found in pitch pine-scrub oak barrens.

*Hemileuca maia maia*Inland Barrens
Buckmoth

NY Legal Status: Special Concern

NYS Rank: S1S2 - Critically imperiled

Office Use
4909

Federal Listing:

Last Report: 2002-fa

County: Albany

Town: Albany - City, Colonie, Guilderland

Location: Albany Pine Bush

Global Rank: G5T5 - Secure

EO Rank: Good or Fair

General Quality and Habitat: The rank is based on Global Element Occurrence Ranking Specifications of August 10, 1992. There is likely over 1000 acres of suitable habitat ranging from high to marginal quality. Management is needed at the site to maintain the suitable habitat for this species. The moths are found in pitch pine scrub oak barrens. Sample sites are at the top of dunes for survey purposes.

*Macrochilo bivittata*Two-striped Cord
Grass Moth

NY Legal Status: Unlisted

NYS Rank: S1S3 - Critically imperiled

Office Use
7051

Federal Listing:

Last Report: 1990

County: Albany

Town: Albany - City, Colonie, Guilderland

Location: Albany Pine Bush

Global Rank: G3G4 - Vulnerable

EO Rank: Extant

General Quality and Habitat: The moths were taken from sites in pitch pine-scrub oak barrens.

*Zanclognatha martha*Pine Barrens
Zanclognatha

NY Legal Status: Unlisted

NYS Rank: S1S2 - Critically imperiled

Office Use
9628

Federal Listing:

Last Report: 1990

County: Albany

Town: Albany - City, Colonie, Guilderland

Location: Albany Pine Bush

Global Rank: G4 - Apparently secure

EO Rank: Excellent or Good

General Quality and Habitat: The population is persistent and in good habitat. The moths were found in pitch pine-scrub oak barrens.

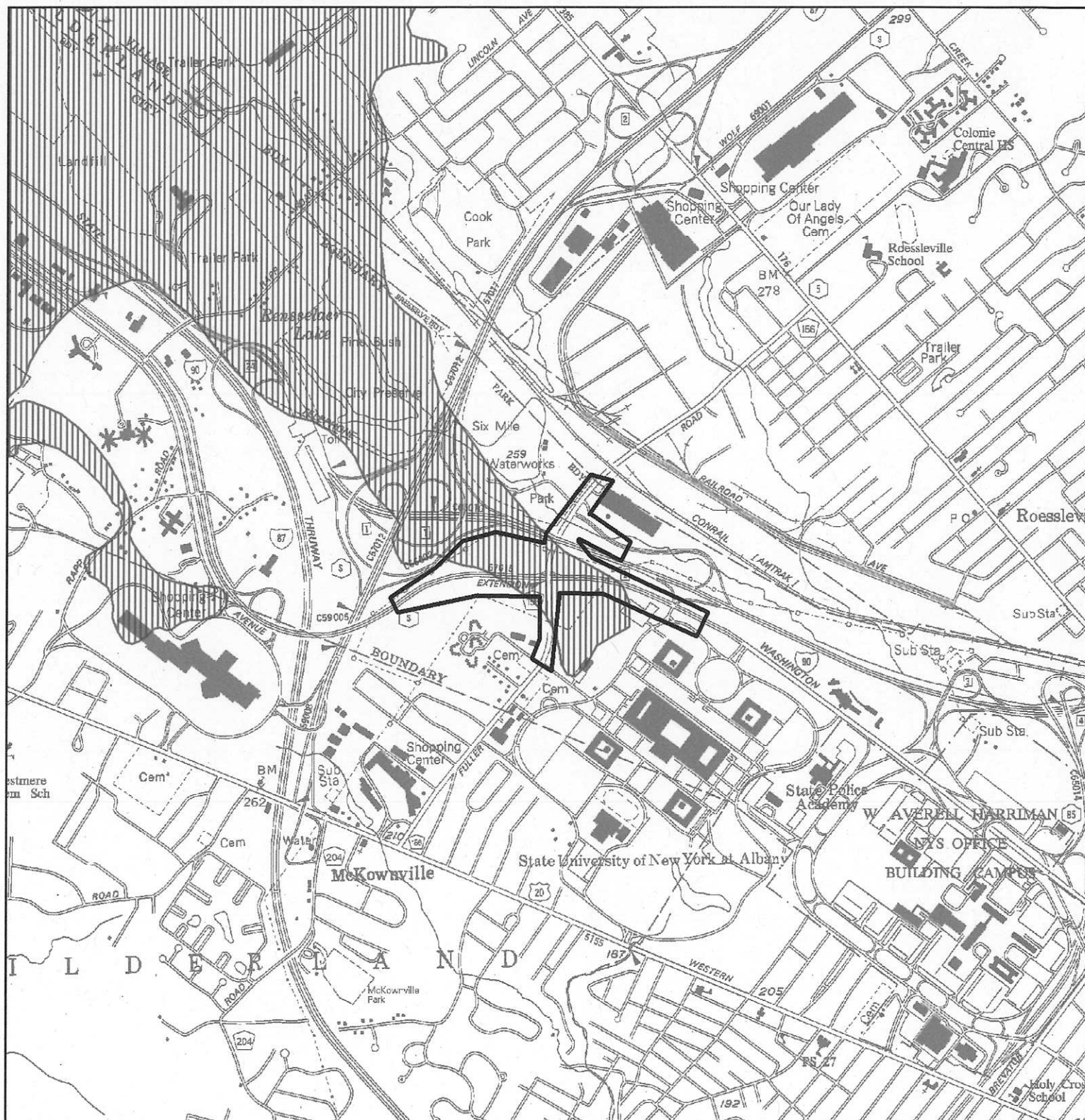
6 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).


More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft Ecological Communities of New York State.

Natural Heritage Map of Rare Species and Ecological Communities


Prepared April 29, 2010 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

 Project Site

NY Natural Heritage Program Database Records*

 A Noctuid Moth, Bird Dropping Moth, Edwards' Hairstreak, Inland Barrens Buckmoth, Pine Barrens Zanclognatha, & Two-striped Cord Grass Moth

1:24,000

0 0.15 0.3 0.6 0.9 1.2 Miles



This map, and the locations that are displayed, are considered sensitive information, and are intended for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from NY Natural Heritage. Some records listed in the accompanying report may not be shown on this map. Please see the report for details.

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

HISTORICAL RECORDS

The following plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier.

There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown and therefore location maps are generally not provided.

If appropriate habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there.

Natural Heritage Report on Rare Species and Ecological Communities



BUTTERFLIES and SKIPPERS

Plebejus melissa samuelis (formerly *Lycaeides melissa samuelis*)

Karner Blue

NY Legal Status: Endangered

Federal Listing: Endangered

Last Report: 1979

County: Albany

Town: Guilderland

Location: Railroad Avenue

Directions: From the intersection of Fuller Road and Washington Avenue, take Fuller Road northeast to a railroad crossing. Go southeast on the tracks for approximately 0.6 miles. The butterflies occur between the tracks and Railroad Avenue.

General Quality and Habitat: Karner blue butterflies were last seen at this site in 1979. This site was last surveyed in 1990. 1990: There is still plenty of wild blue lupine and nectar, but it is shaded. This site is surrounded by commercial buildings to the north and railroad tracks and a major highway to the south. The butterflies were observed in a pine barrens remnant surrounded on 3 sides by a warehousing district and on the other side by a railroad. Much of original site was destroyed and replaced with a building and lawn.

NYS Rank: S1 - Critically imperiled

Global Rank: G5T2 - Imperiled

EO Rank: Failed to find but search more

Office Use
4138

ESU

USFWS

1 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone: (518) 402-8935



NATURAL HERITAGE PROGRAM: The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our Mission is to facilitate the conservation of New York's biodiversity by providing comprehensive information and scientific expertise on rare species and natural ecosystems to resource managers and other conservation partners. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY: The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK: A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.
F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.
H = Historical. Historical occurrence without any recent field information.
X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.
U = Extant/Historical status uncertain.
Blank = Not assigned.

LAST REPORT: The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS – Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Animals listed as Endangered, Threatened, or Special Concern are protected against taking, importation, transportation, possession, or sale without a permit. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

E - Endangered Species: any species which meet one of the following criteria:

- Any native species in imminent danger of extirpation or extinction in New York.
- Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T - Threatened Species: any species which meet one of the following criteria:

- Any native species likely to become an endangered species within the foreseeable future in NY.
- Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

SC - Special Concern Species: those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York.

P - Protected Wildlife (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

U - Unprotected (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

G - Game (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

NY LEGAL STATUS – Plants:

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

E - Endangered Species: listed species are those with:

- 5 or fewer extant sites, or
- fewer than 1,000 individuals, or
- restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
- species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

T - Threatened: listed species are those with:

- 6 to fewer than 20 extant sites, or
- 1,000 to fewer than 3,000 individuals, or
- restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
- listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

April 19, 2010

Ms. Heidi Krahling, Information Services
NYS Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233

**Re: PIN 1721.51
Interstate 87 Exit 3 Airport Connector
Town of Colonie, Albany County, NY**

Dear Ms. Krahling:

Shumaker Consulting Engineering & Land Surveying, P.C., as a subconsultant to Clough Harbour & Associates, LLP, is providing environmental engineering services on behalf of the New York State Department of Transportation for the referenced project.

We have a copy of a response from your office dated October 10, 2000, issued as a result of an initial request by Integrated Site Landscape Architects to review the project study area with respect to threatened and endangered species. However, since a significant amount of time has passed since the date of your response, we respectfully request that your office provide updated information on the presence of endangered and/or threatened species within the vicinity of the proposed roadway project located in the Town of Colonie, Albany County, New York. A portion of the Albany USGS Topographic Map is enclosed to assist with your review.

We shall appreciate a written response at your earliest convenience to comply with scheduled project deadlines. If you have any questions or require further information, please contact this office.

Very truly yours,

**SHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, P.C.**

Eric B. Watkins
Environmental Scientist II

EBW/jmp

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE



New York Field Office
3817 Luker Road, Cortland, NY 13045
Phone: (607) 753-9334
Fax: (607) 753-9699

Long Island Field Office
3 Old Barto Rd., Brookhaven, NY 11719
Phone: (631) 776-1401
Fax: (631) 776-1405

Endangered Species Act List Request Response Cover Sheet

This cover sheet is provided in response to a search of our website* for information regarding the potential presence of species under jurisdiction of the U.S. Fish and Wildlife Service (Service) within a proposed project area.

Attached is a copy of the New York State County List of Threatened, Endangered, and Candidate Species for the appropriate county(ies). The database that we use to respond to list requests was developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Our lists include all Federally-listed, proposed, and candidate species known to occur, as well as those likely to occur, in specific counties.

The attached information is designed to assist project sponsors or applicants through the process of determining whether a Federally-listed, proposed, or candidate species and/or “critical habitat” may occur within their proposed project area and when it is appropriate to contact our offices for additional coordination or consultation. You may be aware that our offices have provided much of this information in the past in project-specific letters. However, due to increasing project review workloads and decreasing staff, we are now providing as much information as possible through our website. We encourage anyone requesting species list information to print out all materials used in any analyses of effects on listed, proposed, or candidate species.

The Service routinely updates this database as species are proposed, listed, and delisted, or as we obtain new biological information or specific presence/absence information for listed species. If project proponents coordinate with the Service to address proposed and candidate species in early stages of planning, this should not be a problem if these species are eventually listed. However, we recommend that both project proponents and reviewing agencies retrieve from our online database an *updated* list every 90 days to append to this document to ensure that listed species presence/absence information for the proposed project is *current*.

Reminder: Section 9 of the ESA prohibits unauthorized taking** of listed species and applies to Federal and non-Federal activities. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to “take**” any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for “take**,” or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

For instance, work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the appropriate New York State Department of Environmental Conservation regional office(s) and the New York Natural Heritage Program Information Services.*

Since wetlands, ponds, streams, or open or sheltered coastal waters may be present in the project area, it may be helpful to utilize the National Wetlands Inventory (NWI) maps as an initial screening tool. However, they may or may not be available for the project area. Please note that while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, http://wetlands.fws.gov/mapper_tool.htm.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made. If there are any questions about our county lists or agency or project proponent responsibilities under the ESA, please contact the New York or Long Island Field Office Endangered Species Program at the numbers listed above.

Attachment (county list of species)

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

** Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to **take** (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.



Albany County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald eagle ¹	<i>Haliaeetus leucocephalus</i>	D
Bog turtle (<i>historic</i>)	<i>Clemmys [=Glyptemys] muhlenbergii</i>	T
Indiana bat (W/S) ²	<i>Myotis sodalis</i>	E
Karner blue butterfly	<i>Lycaeides melissa samuelis</i>	E
Shortnose sturgeon ³	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

W=Winter S=Summer

¹ The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the [Bald and Golden Eagle Protection Act \(BGEPA\)](#). Please follow the [Service's May 2007 Bald Eagle Management Guidelines](#) to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

² "While Indiana bats were known to winter in Albany County, we now believe they are likely extirpated or in such small numbers that it is unlikely that they would be present and impacted by any specific proposed projects in Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties. This determination may change as we receive new information."

³ Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Information current as of: 1/12/2012

WETALND ID	PLANT COMMUNITY CLASSIFICATION	SOURCE OF HYDROLOGY	SPRING-FED HYDROLOGY	SOIL CHARACTERISTICS				DOMINANT VEGETATION	LAND USE	GRAZING	HABITAT SUITABILITY			SUITABLE BOG TURTLE HABITAT	WETLAND IMPACTED
				ASSOCIATED SOIL TYPE	SOIL MAP SYMBOL	SOIL TYPE/DRAINAGE CLASS	MUCKY				HYDROLOGY	SOILS	VEGETATION		
A	Shallow Emergent Marsh	roadway drainage	NO	Urban Land	Ud	Mineral/well+	NO	common reed; purple loosestrife	Transportation	NO	NO	NO	NO	NO	X
B	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Elnora loamy fine sand	EnA/EnB	Mineral/moderately well	NO	common reed; reed canary grass	Commercial	NO	NO	NO	NO	NO	
C	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	common reed; purple loosestrife	Transportation	NO	NO	NO	NO	NO	X
D	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Stafford loamy sand/Urban Land	St/Ur	Mineral/somewhat poorly; Miscellaneous/Unknown	NO	common reed; purple loosestrife; sensitive fern; cattail; spotted jewelweed	Undeveloped	NO	NO	NO	YES	NO	
E	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	common reed; purple loosestrife	Transportation	NO	NO	NO	NO	NO	
F	Shallow Emergent Marsh	roadway drainage	NO	Urban Land/Elnora loamy fine sand	Ud/EnA	Mineral/well+; Mineral/moderately well	NO	common reed; purple loosestrife; water horsetail; green ash; eastern cottonwood	Transportation	NO	NO	NO	NO	NO	
G	Shallow Emergent Marsh	roadway drainage; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	cattail; common reed	Commercial	NO	NO	NO	NO	NO	
H	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	common reed; purple loosestrife	Commercial	NO	NO	NO	NO	NO	
I	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land/Stafford loamy sand /Urban Land	Ur/St/Ud	Miscellaneous/unknown; Mineral/somewhat poorly; Mineral/well+	NO	common reed; purple loosestrife	Commercial	NO	NO	NO	NO	NO	
J	Floodplain Forest/Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	green ash; red maple; paper birch; ostrich fern; spotted jewelweed; tatarian honeysuckle	Transportation	NO	NO	NO	NO	NO	x

WETALND ID	PLANT COMMUNITY CLASSIFICATION	SOURCE OF HYDROLOGY	SPRING-FED HYDROLOGY	SOIL CHARACTERISTICS				DOMINANT VEGETATION	LAND USE	GRAZING	HABITAT SUITABILITY			SUITABLE BOG TURTLE HABITAT	WETLAND IMPACTED
				ASSOCIATED SOIL TYPE	SOIL MAP SYMBOL	SOIL TYPE/DRAINAGE CLASS	MUCKY				HYDROLOGY	SOILS	VEGETATION		
K	Floodplain Forest	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	red maple; pin oak; spotted jewel weed; sensitive fern; water horsetail	Transportation	NO	NO	NO	NO	NO	x
L	Floodplain Forest	roadway drainage	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	red maple; sensitive fern; silky dogwood	Undeveloped	NO	NO	NO	NO	NO	x
M	Floodplain Forest	roadway drainage; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	green ash; sensitive fern; red maple; arrowwood; cinnamon fern	Transportation	NO	NO	NO	NO	NO	x
N	Shallow Emergent Marsh	roadway drainage; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	cattail; purple loosestrife; sensitive fern; spotted jewelweed	Transportation	NO	NO	NO	YES	NO	x
O	Floodplain Forest	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land	Ud	Miscellaneous/Unknown	NO	red maple; green ash; sensitive fern; spotted jewelweed; purple loosestrife; elderberry	Transportation	NO	NO	NO	YES	NO	x
P	Shallow Emergent Marsh/Floodplain Forest	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	red maple; green ash; American elm; sensitive fern; cinnamon fern; royal fern; purple loosestrife; water horsetail; cattail; reed canary	Transportation	NO	NO	NO	NO	NO	x
Q	Shallow Emergent Marsh	roadway drainage; saturation in upper 12"	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	common reed; purple loosestrife; cattail; green ash	Transportation	NO	NO	NO	NO	NO	x
R	Floodplain Forest	roadway drainage; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	red maple; green ash; sensitive fern; cinnamon fern; royal fern; common reed	Transportation	NO	NO	NO	NO	NO	
S	Shallow Emergent Marsh/Floodplain Forest	stormwater runoff	NO	Urban Land	Ud	Mineral/well+	NO	common reed; sensitive fern; wrinkle-leaf goldenrod; purpleloosestrife; willow; quaking aspen	Commercial	NO	NO	NO	NO	NO	x
T	Shallow Emergent Marsh	stormwater runoff	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	purple loosestrife; soft rush; spotted jewelweed; carex sp.	Undeveloped	NO	NO	NO	YES	NO	x
U	Shallow Emergent Marsh	roadway drainage	NO	Urban Land	Ud	Mineral/well+	NO	cattail; purple loosestrife; sensitive fern; yellow foxtail; carex sp.	Transportation	NO	NO	NO	YES	NO	

WETALND ID	PLANT COMMUNITY CLASSIFICATION	SOURCE OF HYDROLOGY	SPRING-FED HYDROLOGY	SOIL CHARACTERISTICS				DOMINANT VEGETATION	LAND USE	GRAZING	HABITAT SUITABILITY			SUITABLE BOG TURTLE HABITAT	WETLAND IMPACTED
				ASSOCIATED SOIL TYPE	SOIL MAP SYMBOL	SOIL TYPE/DRAINAGE CLASS	MUCKY				HYDROLOGY	SOILS	VEGETATION		
V	Floodplain Forest	roadway drainage	NO	Granby loamy fine sand	Gr	Mineral/poorly	NO	red maple; American elm; arrowwood; common reed; sensitive fern; upright sedge; sweet flag; purple loosestrife	Transportation	NO	NO	NO	YES	NO	
W	Floodplain Forest	roadway drainage	NO	Granby loamy fine sand	Gr	Mineral/poorly	NO	red maple; American elm; arrowwood; winterberry; reed canary; cinnamon fern; carex sp; common reed	Transportation	NO	NO	NO	NO	NO	x
X	Floodplain Forest/Wet Meadow	roadway drainage; saturation in upper 12"	NO	Urban Land	Ud	Mineral/well+	NO	red maple; green ash; reed canary; common reed; sensitive fern; tatrian honeysuckle; soft rush; purple loosestrife	Transportation	NO	NO	NO	NO	NO	
Y	Shallow Emergent Marsh/Floodplain Forest	roadway drainage; saturation in upper 12"	NO	Stafford loamy sand/Urban Land	St/Ud	Mineral/somewhat poorly; Mineral/well+	NO	common reed; red maple; swamp white oak; arrowwood; tussock sedge; Poa sp.; royal fern	Transportation	NO	NO	NO	YES	NO	
Z	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Elnora loamy fine sand	EnB	Mineral/moderately well	NO	common reed	Transportation	NO	NO	NO	NO	NO	
AA	Floodplain Forest/Wet Meadow	roadway drainage	NO	Granby loamy fine sand	Gr	Mineral/poorly	NO	red maple; green ash; sensitive fern; river bank grape	Transportation	NO	NO	NO	NO	NO	
BB	Floodplain Forest/Shallow Emergent Marsh	roadway drainage; saturation in upper 12"	NO	Granby loamy fine sand/Udipsammen ts	Gr/Uf	Mineral/poorly; mineral/well+	NO	red maple; American elm; arrowwood; sensitive fern; royal fern; tussock sedge; grass	Transportation	NO	NO	NO	YES	NO	
CC	Shallow Emergent Marsh	roadway drainage; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	common reed; purple loosestrife; grasses; goldenrod	Undeveloped	NO	NO	NO	NO	NO	x
DD	Shallow Emergent Marsh	roadway drainage; surface water	NO	Udipsamments/Col onie loamy fine sand/Stafford loamy fine sand	Uf/CoB/St	;Mineral/well+;	NO	common reed; softrush; grass; goldenrod	Transportation	NO	NO	NO	NO	NO	x

WETALND ID	PLANT COMMUNITY CLASSIFICATION	SOURCE OF HYDROLOGY	SPRING-FED HYDROLOGY	SOIL CHARACTERISTICS				DOMINANT VEGETATION	LAND USE	GRAZING	HABITAT SUITABILITY			SUITABLE BOG TURTLE HABITAT	WETLAND IMPACTED
				ASSOCIATED SOIL TYPE	SOIL MAP SYMBOL	SOIL TYPE/DRAINAGE CLASS	MUCKY				HYDROLOGY	SOILS	VEGETATION		
EE	Floodplain Forest	roadway drainage; surface water; saturation in upper 12"	NO	Urban Land/Elnora loamy fine sand	Ud/EnA	;Mineral/moderately well	NO	red maple; American elm; green ash; cinnamon fern; royal fern; sensitive fern	Undeveloped	NO	NO	NO	NO	NO	x
FF	Shallow Emergent Marsh	roadway drainage; surface water; saturation in upper 12"	NO	Stafford loamy sand/Urban Land	St/Ud	Mineral/somewhat poorly	NO	common reed; softrush; purple loosestrife; reed canary; cattail; sensitive fern	Undeveloped	NO	NO	NO	NO	NO	x
GG	Shallow Emergent Marsh	roadway drainage	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	common reed; cattail	Undeveloped	NO	NO	NO	NO	NO	x
HH	Floodplain Forest	roadway drainage; saturation in upper 12"	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	green ash; red maple; sensitive fern; purple loosestrife; grass; common reed; reed canary	Transportation	NO	NO	NO	YES	NO	x
II	Floodplain Forest	roadway drainage; surface water; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	green ash; red maple; musclewood; purple lossestrife; cinnamon fern; e. marsh fern; royal fern; sensitive fern; carex spp.	Undeveloped	NO	NO	NO	YES	NO	x
JJ	Shallow Emergent Marsh	roadway drainage; saturation in upper 12"	NO	Urban Land	Ud	Miscellaneous/Unknown	NO	common reed; purple loosestrife; carex spp.; tearthumb; winterberry; reed canary	Transportation	NO	NO	NO	NO	NO	x
KK	Wet Meadow	storm water; saturation in upper 12"	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	reed canary; rubus sp.; carex sp.; e. marsh fern	Undeveloped	NO	NO	NO	YES	NO	
LL	Wet Meadow	storm water; saturation in upper 12"	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	carex sp.; softrush; goldenrod; rubus sp.; woolgrass; e. marsh fern	Undeveloped	NO	NO	NO	YES	NO	
MM	Shallow Emergent Marsh	storm water	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	carex sp.; softrush	Undeveloped	NO	NO	NO	YES	NO	
NN	Wet Meadow	storm water; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	softrush; carex sp.; e. marsh fern	Undeveloped	NO	NO	NO	YES	NO	
OO	Shallow Emergent Marsh	storm water; surface water; saturation in upper 12"	NO	Elnora loamy fine sand	EnA	Mineral/moderately well	NO	carex sp.; softrush; woolgrass; sensitive fern; solidago spp.; e. marsh fern	Undeveloped	NO	NO	NO	YES	NO	

WETALND ID	PLANT COMMUNITY CLASSIFICATION	SOURCE OF HYDROLOGY	SPRING-FED HYDROLOGY	SOIL CHARACTERISTICS				DOMINANT VEGETATION	LAND USE	GRAZING	HABITAT SUITABILITY			SUITABLE BOG TURTLE HABITAT	WETLAND IMPACTED
				ASSOCIATED SOIL TYPE	SOIL MAP SYMBOL	SOIL TYPE/DRAINAGE CLASS	MUCKY				HYDROLOGY	SOILS	VEGETATION		
PP	Shallow Emergent Marsh	storm water; surface water; saturation in upper 12"	NO	Granby loamy fine sand	Gr	Mineral/poorly	NO	carex spp.; reed canary; purple loosestrife; sensitive fern; softrush; solidago spp.; red maple; green ash; gray dogwood	Undeveloped	NO	NO	NO	YES	NO	x
QQ	Wet Meadow	storm water; saturation in upper 12"	NO	Colonie	CoB	Mineral/well+	NO	common reed; woolgrass; sensitive fern; softrush; purple loosestrife	Undeveloped	NO	NO	NO	NO	NO	
RR	Shallow Emergent Marsh	storm water; surface water; saturation in upper 12"	NO	Granby loamy fine sand/Stafford loamy fine sand	Gr/St	Mineral/poorly; Mineral/somewhat poorly	NO	common reed; grasses; purple loosestrife; tearthumb; speckled alder	Undeveloped	NO	NO	NO	NO	NO	x
SS	Shallow Emergent Marsh	storm water; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	wool grass; reed canary; softrush; purple loosestrife; cattail	Undeveloped	NO	NO	NO	NO	NO	
TT	Shallow Emergent Marsh/Scrub Shrub	storm water; saturation in upper 12"	NO	Stafford loamy sand	St	Mineral/somewhat poorly	NO	common reed	Undeveloped	NO	NO	NO	NO	NO	x

Westrick, Lisa

From: dlockwood@shumakerengineering.com
Sent: Tuesday, January 03, 2012 1:58 PM
To: Thomas.Brady@albanycounty.com
Cc: KSaladis@shumakerengineering.com
Subject: RE: 0458: Info Re: Drinking Water Wells in or near ProjectStudy Area

Tom,

Thank you for your response; we appreciate it. Happy New Year.

Donald J. Lockwood, PWS, CWB[®]
Environmental Scientist



"The Shumaker Difference"

143 Court Street
Binghamton NY 13901
Phone (607) 798-8081 Ext. 346 • Fax (607) 798-8186

dlockwood@shumakerengineering.com

www.shumakerengineering.com



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From: Brady, Thomas [mailto:Thomas.Brady@albanycounty.com]
Sent: Tuesday, January 03, 2012 1:56 PM
To: Don Lockwood
Cc: Kelly Saladis
Subject: RE: 0458: Info Re: Drinking Water Wells in or near ProjectStudy Area

Don & Kelly:

I have no explanation as to why this never arrived on my desk. This should be an official freedom of information request, however....

This large area is well developed in terms of commercial and residential. All are served by public water, Latham Water District. Latham WD draws its water from the Mohawk River, miles away, so no concern there. There may still be some very old private wells used for irrigation. We have no records that go back that far. Plus back then no records were officially kept. Most of the area is served by public sewers. there is a small pocket of commercial septic systems in the Old Niskayuna/ Albany Shaker area just west of Rt I-87.

In short there are no public or private drinking water wells that could be impacted by any work in the area you denoted. If you need any more information feel free to contact me

Tom

Thomas J. Brady, PhD
Assistant Director
Division of Environmental Health Services
Albany County Health Department
(518) 447-4620

NOTES/COMMENTS:

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From: dlockwood@shumakerengineering.com [mailto:dlockwood@shumakerengineering.com]
Sent: Tuesday, January 03, 2012 1:25 PM
To: Brady, Thomas
Cc: KSaladis@shumakerengineering.com
Subject: 0458: Info Re: Drinking Water Wells in or near ProjectStudy Area

Tom,

Per our phone conversation: attached is a PDF of the original Fax requesting information about wells in the Project Study Area.

Donald J. Lockwood, PWS, CWB[®]
Environmental Scientist



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143 Court Street
Binghamton NY 13901
Phone (607) 798-8081 Ext. 346 • Fax (607) 798-8186

dlockwood@shumakerengineering.com

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January 6, 2012

Ms. Lisa M. Westrick, P.E.
CHA
III Winners Circle
P.O. Box 5269
Albany, NY 12205-0269

**Re: Preliminary Asbestos Screening Technical Memorandum
I-87, Exit 3/Exit 4 Access Improvements
I-87 SB & NB over Albany Shaker Road (BINs 1033141 & 42)
Town of Colonie, Albany County, New York
PIN 1721.51, SCE Project No. 00458.00**

Dear Ms. Westrick:

Shumaker Consulting Engineering & Land Surveying, P.C. (SCE) conducted the preliminary asbestos screening conducted at the referenced project site and findings are contained within this summary report.

1.0 BACKGROUND

The project consists of the construction/realignment of the I-87, Exit 3, Exit 4 and Access Airport Connector Road Improvements in Albany County. Impacted structures are identified as:

Bridges

- BIN 1033141, I-87 SB over Albany Shaker Road (Replacement)
- BIN 1033142, I-87 NB over Albany Shaker Road (Replacement)

Buildings

- None included at this time

The objective of this screening is to identify impacted bridge components that are suspect asbestos-containing materials (ACM) and develop a sampling plan for future determination of asbestos content through laboratory analyses.

2.0 PRELIMINARY ASBESTOS SCREENING

- SCE conducted a preliminary asbestos screening of the bridge structures. Impacted materials that are ACM must be handled in accordance with all applicable federal, state, and local laws. A material is defined as an ACM under the Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1101, if it contains greater than one percent (>1%) asbestos by weight.

ALBANY, NY
1510 Central Avenue, Suite 330
Albany, NY 12205
518-452-5730 • Fax 452-9230

BINGHAMTON, NY
143 Court Street
Binghamton, NY 13901
607-798-8081 • Fax 798-8186

UTICA, NY
430 Court Street
Utica, NY 13502
315-724-0100 • Fax 724-3715

MONTROSE, PA
78 Public Avenue
Montrose, PA 18801
570-432-0024 • Fax 432-0024

Record plans were reviewed for each bridge structure. Table 1 lists the suspect ACMs identified on the record plans for each bridge structure.

Table 1: Suspect ACMs Identified in Bridge Record Plans

BIN (Year)	Suspect ACM	Location/comments
BINs 1033141 & 1033142 (1957)	Bituminous material (Item 61)	Back of concrete wingwalls & abutments in contact with soil- not accessible
	Premoulded Bituminous Joint Filler	Located at expansion joints – replaced in 1995 - paved over not accessible
	Compressed Asbestos Sheet Packing	Top of backwall, beneath bridge deck
	Protective Coating for Metal (Item 300)	Metal surfaces beneath metal grates (<i>typically asbestos paint coating</i>)

SCE conducted a visual assessment of the bridge structures on December 29, 2011. Table 2 identifies the suspect ACM materials observed at each bridge structure, including the location of the material and the minimum number of bulk samples to be collected to confirm asbestos content.

Table 2: Observed Suspect ACMs at Bridges

Material	Location	BINS		# of Samples per material
		1033141	1033142	
Paint Coating	Steel girders below former grates	*	*	*
Paint Coating	Remaining steel girders	3	3	6
Masonry Coating	On abutment & pier pedestals concrete surfaces	3	3	6
Bearing pads	Beneath bearings	3	3	6
Sheet packing	Between top of backwall & bridge deck	3	3	6
Guide Rail Post Pads	Beneath guiderail posts	3	3	6
# of Samples per Structure		15	15	30

* = Green paint coating previously sampled by inspectors from NYSDOT and identified as ACM, additional samples not required.

NYSDOT protocol requires a minimum of three samples to be collected for each homogenous material at each bridge or building structure. The green paint coatings located beneath former grates were previously sampled by NYSDOT and determined to be ACM. Copies of the laboratory reports for the samples are attached. The preliminary asbestos screening was performed by New York State Department of Labor (NYSDOL)-certified/United States Environmental Protection Agency (USEPA)-accredited Asbestos Inspectors. Copies of the inspectors' certifications and a copy of the SCE asbestos license are attached to this report. Suspect ACMs should be assessed prior to any rehabilitation or demolition activities. Suspect

ACMs, and any additional suspected ACMs identified during construction activities, must be handled as an ACM unless appropriate laboratory analysis determines the material is non-ACM.

Removal, transport, and disposal of ACM shall be performed in accordance with federal, state, and local regulations including, but not limited to, those of the USEPA, OSHA, New York State Department of Environmental Conservation (NYSDEC), and NYSDOL. Applicable regulations include National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated by USEPA and NYSDOL Industrial Code Rule 56 (ICR 56).

3.0 CONCLUSIONS AND RECOMMENDATIONS

The preliminary asbestos screening was performed in conformance with the NYSDOT Environmental Manual. A minimum of 30 samples for the 2 impacted bridges will be needed to adequately assess identified suspect materials for the presence of ACM. Any ACMs anticipated to be impacted during construction activities, are required to be handled in accordance with all federal, state and local laws.

Should you have any questions or concerns regarding this report, please do not hesitate to contact me at (518) 452-5730 or Chris Dousharm at (315) 724-0100.

Very truly yours,

**SHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, P.C.**



Samuel D. Syrotynski
Environmental Scientist IV

SDS/csd

Enclosures

cc: C. Dousharm, SCE
File



O'BRIEN & GERE
LABORATORIES, INC.

AUB.

Asbestos In Non-Friable Organically Bound Materials

Client: Montgomery Watson Harza Engineering Co., OBG Job Number: 8118.001.510
Inc.

Project: NYS DOT Asbestos Assessment

Certification Number: 10155

Project Desc: I-87 Over Albany Shaker Rd. South Bound

Project Number: 406050

NYSDOT PIN: 1806.69

NYSDOT B.N: 1033141

Client ID	Sample	OBG Sample #	Color	Percent Combustible	% Acid Soluble	Percent Remaining	PLM Exam Results	TEM Exam Results	Final % Asbestos
49		0502-1325	VAR	49.59	19.35	31.06	<1.0 ND	10 Tremolite	3.11
50		0502-1326	VAR	35.67	17.11	47.22	<1.0 ND	<1.0 ND	<1.0
51		0502-1327	VAR	24.35	11.38	64.27	<1.0 ND	<1.0 ND	<1.0

N.D. - Not Detected

N.A. - Not Analyzed

Analyst: Michael P. Gerber
Method: ELAP Item Numbers 198.1 and 198.4
Analysis Only Performed By O'Brien & Gere Laboratories, Inc.

Authorized: Michael J. Gerber
Date: 5/31/2002 Michael J. Gerber



O'BRIEN & GERE
LABORATORIES, INC.

ALB.

Asbestos In Non-Friable Organically Bound Materials

Client: Montgomery Watson Harza Engineering Co., OBG Job Number: 8118.001.510
Inc.

Project: NYS DOT Asbestos Assessment

Certification Number: 10155

Project Desc: I-87/Albany Shaker Rd. North Bound

Project Number: 4060301

NYSDOT PIN: 1806.69

NYSDOT PIN: 1033142

Client ID	Sample #	OBG Sample #	Color	Percent Combustible	% Acid Soluble	Percent Remaining	PLM Exam Results	TEM Exam Results	Final % Asbestos
46		0502-1322	VAR	38.62	23.68	37.70	<1.0 ND	<1.0 Chrysotile	<1.0 ND
47		0502-1323	VAR	26.44	19.28	54.29	<1.0 ND	<1.0 ND	<1.0 ND
48		0502-1324	VAR	50.67	16.67	32.66	<1.0 ND	25 Tremolite	8.16

N.D. - Not Detected

N.A. - Not Analyzed

Analyst:

Michael Gerber

Authorized:

Michael J. Gerber

Method: ELAP Item Numbers 198.1 and 198.4

Date: 5/16/2002

Michael J. Gerber

Analysis Only Performed By O'Brien & Gere Laboratories, Inc.

NEW YORK STATE - DEPARTMENT OF LABOR

DIVISION OF SAFETY AND HEALTH
LICENSE AND CERTIFICATE UNIT
STATE CAMPUS BUILDING 12
ALBANY, NY 12240

ASBESTOS HANDLING LICENSE

Shumaker Consulting, Engineering and Land Surveying, P.C.

143 Court Street

Binghamton, NY 13901

FILE NUMBER: 00-0828

LICENSE NUMBER: 29368

LICENSE CLASS: RESTRICTED

DATE OF ISSUE: 11/23/2011

EXPIRATION DATE: 12/31/2012

Duly Authorized Representative – Linda M. Shumaker PE

This license has been issued in accordance with applicable provisions of Article 30 of the Labor Law of New York State and of the New York State Codes, Rules and Regulations (12 NYCRR Part 56). It is subject to suspension or revocation for a (1) serious violation of state, federal or local laws with regard to the conduct of an asbestos project, or (2) demonstrated lack of responsibility in the conduct of any job involving asbestos or asbestos material.

This license is valid only for the contractor named above and this license or a photocopy must be prominently displayed at the asbestos project worksite. This license verifies that all persons employed by the licensee on an asbestos project in New York State have been issued an Asbestos Certificate, appropriate for the type of work they perform, by the New York State Department of Labor.

Maureen A. Cox

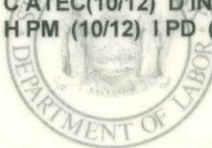
Maureen A. Cox, Director
FOR THE COMMISSIONER OF LABOR

STATE OF NEW YORK - DEPARTMENT OF LABOR

ASBESTOS CERTIFICATE



SAMUEL D. SYROTYNSKI
CLASS(EXPIRES)
C-ATEC(10/12) D-INSP(10/12)
H-PM (10/12) I-PD (10/12)



CERT# 89-03517
DMV# 627109068

MUST BE CARRIED ON ASBESTOS PROJECTS



EYES BRO
HAIR BRO
HGT 6' 02"

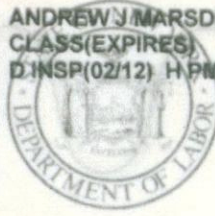
IF FOUND RETURN TO:
NYSDEL - L&C UNIT
ROOM 161A BUILDING 12
STATE OFFICE CAMPUS
ALBANY NY 12240

STATE OF NEW YORK - DEPARTMENT OF LABOR

ASBESTOS CERTIFICATE



ANDREW J. MARSDEN
CLASS(EXPIRES)
D. INSP(02/12) H.P.M. (02/12)



CERT# 06-12559
DMV# 597963863

MUST BE CARRIED ON ASBESTOS PROJECTS



EYES HAZ
HAIR BRO
HGT 5' 08"

IF FOUND RETURN TO:
NYSOL - L&C UNIT
ROOM 161A BUILDING 12
STATE OFFICE CAMPUS
ALBANY NY 12240

United States Department of Agriculture



Natural Resources Conservation Service
441 S. Salina Street, Suite 354
Syracuse, NY 13202-2450

Email: kathryn.duncan@ny.usda.gov
Telephone: 315-477-6506

December 14, 2011

CHA
Jean Loewenstein
3 Winners Circle
Albany, New York 12205-0269

Re: Interstate 87 Exit 3/4 Access Improvements
NRCS FPPA review

Dear Ms. Loewenstein,

The Farmland Conversion Impact Rating (AD-1006), for the project cited above, is attached for your use. The funding agency is responsible for completing the rest of the form. When the total form is complete please send a copy here for our records.

Also attached, is a spreadsheet that shows the value for the soil type(s) and the final results (weighted average) that was entered on the AD-1006. It includes the inner area within each corridor which is considered an indirect conversion. I did remove the land in the industrial area of the photo which is considered already converted.

The project information will be retained for future reference. If you have any questions about this determination please feel free to contact me.

A handwritten signature in blue ink that reads "Kathryn Duncan". The signature is written in a cursive, flowing style.

Kathryn Duncan
Cartographer

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An Equal Opportunity Provider and Employer



U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 12/14/11			
Name Of Project Interstate 87 Exit 3/4 Access Improvement		Federal Agency Involved Federal Highway Administration			
Proposed Land Use Highway Access Improvement		County And State Albany, New York			
PART II (To be completed by NRCS)		Date Request Received By NRCS 12/12/11			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated 368	Average Farm Size 123
Major Crop(s) corn, hay	Farmable Land In Govt. Jurisdiction Acres: 61,030 % 18	Amount Of Farmland As Defined in FPPA Acres: 149,057 % 44			
Name Of Land Evaluation System Used Albany County LESA	Name Of Local Site Assessment System none	Date Land Evaluation Returned By NRCS 12/14/11			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		5.7	4.9		
B. Total Acres To Be Converted Indirectly		32.8	49.5		
C. Total Acres In Site		38.5	54.4	0.0	0.0
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		15.2	27.8		
B. Total Acres Statewide And Local Important Farmland		16.9	18.1		
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		0.01%	0.01%		
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		59.8	53.6		
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		49	52	0	0
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points			
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS		160	0	0	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100	49	52	0
Total Site Assessment (From Part VI above or a local site assessment)		160	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	49	52	0
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Reason For Selection:					

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 – NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 – In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 – NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

Total points assigned Site A = $180 \times 160 = 144$ points for Site "A."

Maximum points possible 200

Project Name	Date Received	Date Returned	County	System Used		
I-87 Exit 3/4 Access Improvements (Flyover Corridor - A)	12/12/2011	12/14/2011	Albany	Albany County LESA		
MUID	Soil	Agric. Value Group	Acres	Prod. Soil Local	AC*RV	Prime Acres
EnA	Elnora loamy fine sand	3	13.10	61.7	808.3	13.100
EnB	Elnora loamy fine sand	3	2.10	61.7	129.6	2.100
Gr	Granby loamy fine sand	9	1.60	30	48.0	
St	Stafford loamy fine sand	5	15.20	51.8	787.4	15.200
Ud	Udipsammments, smoothed	10	4.80	0	0.0	
UnB	Unadilla silt loam	4	1.70	81.9	139.2	1.700
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
					0.0	
PID = Prime if Drained					0.0	
			38.50		1912.4	15.200
						16.900
Weighted Value	49.67					32.100



U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

NEW YORK ECOLOGICAL SERVICES FIELD OFFICE
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Project Name:

0458 I-87 Exit 3



U.S. Fish and Wildlife Service

Natural Resources of Concern

Project Location Map:



Project Counties:

Albany, NY



Natural Resources of Concern

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-73.7820779 42.7380791, -73.7863737 42.7337276, -73.7916094 42.7289992, -73.7940985 42.7272968, -73.7934977 42.7266663, -73.7910086 42.723892, -73.8050848 42.7163251, -73.809548 42.7207392, -73.8102346 42.7202978, -73.8132387 42.7179646, -73.8147837 42.7185952, -73.8143502 42.7190367, -73.8126336 42.7202348, -73.8112646 42.7214328, -73.8070589 42.7238289, -73.8061148 42.7260358, -73.8040505 42.7289361, -73.8012224 42.7311428, -73.8018232 42.7317102, -73.8037115 42.7321515, -73.804999 42.7325298, -73.8062006 42.7332233, -73.8069731 42.7343581, -73.8074881 42.7351776, -73.8085137 42.7363124, -73.8085137 42.7390861, -73.8088614 42.7410403, -73.8105737 42.7423641, -73.810063 42.7429944, -73.8087712 42.742175, -73.8077498 42.740971, -73.8076554 42.7373841, -73.8066255 42.7356205, -73.8061963 42.7345488, -73.805514 42.7336, -73.8037072 42.7327173, -73.8014799 42.732276, -73.8002783 42.7315825, -73.7965833 42.7288084, -73.7938367 42.7303878, -73.793326 42.7321499, -73.7924677 42.7320239, -73.7916909 42.7321499, -73.7910944 42.7324652, -73.785082 42.7383313, -73.7820779 42.7380791)))

Project Type:

Transportation

Endangered Species Act Species List ([USFWS Endangered Species Program](#)).

There are a total of 3 threatened, endangered, or candidate species, and/or designated critical habitat on your species list. Species on this list are the species that may be affected by your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Please contact the designated FWS office if you have questions.

Species that may be affected by your project:

Insects	Status	Species Profile	Contact
Karner Blue butterfly (<i>Lycaeides melissa samuelis</i>) Population: Entire	Endangered	species info	New York Ecological Services Field Office
Mammals			
Indiana bat (<i>Myotis sodalis</i>) Population: Entire	Endangered	species info	New York Ecological Services Field Office
Reptiles			



Natural Resources of Concern

Bog Turtle (<i>Clemmys muhlenbergii</i>) Population: northern	Threatened	species info	New York Ecological Services Field Office
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FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#)).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

The following wetlands intersect your project area:

Wetland Types	NWI Classification Code	Approximate Acres
Freshwater Forested/Shrub Wetland	PFO1E	0.756731
Freshwater Forested/Shrub Wetland	PFO1C	4.474186
Freshwater Emergent Wetland	PEM5A	6.090868



Natural Resources of Concern

Freshwater Forested/Shrub Wetland	PFO1C	4.592249
Freshwater Forested/Shrub Wetland	PFO1E	2.341698
Freshwater Emergent Wetland	PEMSC	0.257208
Freshwater Forested/Shrub Wetland	PFO1E	5.346556
Freshwater Forested/Shrub Wetland	PFO1C	2.309821
Freshwater Forested/Shrub Wetland	PFO1E	64.498432
Freshwater Forested/Shrub Wetland	PFO1E	0.375253
Freshwater Forested/Shrub Wetland	PSS1C	4.054713
Freshwater Forested/Shrub Wetland	PFO1E	1.888574
Freshwater Forested/Shrub Wetland	PSS1Fh	1.372279
Freshwater Forested/Shrub Wetland	PFO1E	5.624491
Freshwater Pond	PUBHh	0.256426
Freshwater Forested/Shrub Wetland	PSS1E	5.62467
Freshwater Pond	PUBHh	0.131851
Freshwater Forested/Shrub Wetland	PFO1E	9.510658
Freshwater Pond	PUBHx	0.128538
Freshwater Emergent Wetland	PEM1E	1.637693
Freshwater Pond	PUBFh	0.233278

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

August 9, 2013

Kelly J. Saladis
Shumaker Consulting Engineering & Land Surveying, P.C.
143 Court Street
Binghamton, NY 13901

Dear Ms. Saladis:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the proposed Interstate 87 Exit 3 Airport Connector, PIN 1721.51, in the Town of Colonie, Albany County.

We have no recent records of rare or state-listed animals or plants, or of significant natural communities, at this site or in its immediate vicinity.

Our database does have a historical record of a rare plant in the area of the proposed wetland mitigation site: in 1848, the rare orchid **puttyroot** (*Aplectrum hyemale*, listed by NYS as Endangered) was collected at "Shaker's Woods south of Mill [Ann Lee] Pond." We do not know the precise location of this collection, we have no recent information on this population, and there is uncertainty regarding its continued presence. We provide this information for your general reference. While its current status is not known, if suitable habitat for this plant, rich woods, is present in the vicinity of the project site, it is possible that it may still be found there. We recommend that any field surveys to the site include a search for this species, particularly at sites that are currently undeveloped and may still contain suitable habitat. If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Sincerely,

Nicholas Conrad
Information Resource Coordinator
New York Natural Heritage Program



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

June 18, 2013

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPE-NY

Mr. Daniel Hitt, RLA
Chief, Office of Environment
New York State Department
of Transportation
50 Wolf Road
Albany, NY 12232

Subject: Determination for ESA Section 7 Consultation, Indiana Bat
Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties

Dear Mr. Hitt:

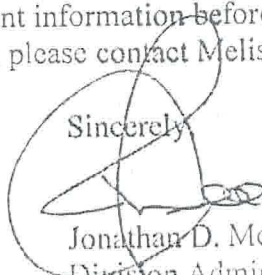
In regards to the consultation process for projects under Section 7 of the Endangered Species Act (ESA), specifically regarding Indiana bat (*Myotis sodalis*), this letter applies to projects receiving Federal aid from the Federal Highway Administration (FHWA) and/or where FHWA is the National Environmental Policy Act lead Federal agency for the project.

On July 16, 2012, the New York Field Office of the U.S. Fish and Wildlife Service (USFWS) published a document listing each federally endangered and threatened species (enclosed) that is known to occur within each county in New York. Section 7 of the ESA requires species-specific investigations for projects within those counties. Regarding Indiana bat, the document includes the following note for Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties:

While Indiana bats were known to winter in Albany County, we [USFWS] now believe they are likely extirpated or in such small numbers that it is unlikely that they would be present and impacted by any specific proposed projects in Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties. This determination may change as we receive new information.

Based on the above note, FHWA concludes that projects within the five counties listed above have "No Effect" on Indiana bats or their habitat. Since the status of the species is changing rapidly and the potential exists for other species of bats to be listed by the ESA, this "No Effect" conclusion is valid for no more than 90 days from the date of this letter. We will review the species status and issue a new letter with relevant information before the end of this 90-day period. If you have any questions or concerns, please contact Melissa Toni at 518-431-8867.

Sincerely,


Jonathan D. McDade
Division Administrator

Enc.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION - REGION ONE
50 WOLF ROAD
ALBANY, NEW YORK 12232
www.dot.ny.gov

SAM ZHOU, P.E.
ACTING REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

August 13, 2013

Mark A. Castiglione, Acting Executive Director
Hudson River Valley Greenway
625 Broadway #4
Albany, NY 12207

**RE: Project Notification
Interstate I 87 Exit 3/4 Access Improvements
Town of Colonie,
Albany County
PIN 1721.51**

Dear Mr. Castiglione,

The New York State Department of Transportation (Region 1) is currently in the design approval phase of the above referenced project. The project proposes to improve access between I-87 and the Albany International Airport and between I-87 and Wolf Road. Safety and traffic operations will be improved at Exit 4. The project will be designed to not adversely impact I-87 mainline operations between Exit 2 and Exit 5 and to allow for future long-term improvements to I-87.

We do not anticipate that the work will affect the nature of the Greenway's mission in any way. The project letting is scheduled for sometime in 2014.

If you have questions, require additional information, or wish to provide comments, please contact our office as follows:

Betty Ketcham, Environmental Contact
Phone: (518) 485-9295
Fax: (518) 457-6887
E-mail: Elizabeth.Ketcham@dot.ny.gov

Sincerely,

Diane S. Goetke
R1 NYSDOT Environmental Unit Leader
DG:BK

Enclosure:

1. Location maps

cc: J. Masi, Project Manager, NYSDOT R-1



August 29, 2013

Attn: Donald J. Lockwood
143 Court Street
Shumaker Consulting Engineering & Land Surveying, P.C.
Binghamton NY 13901

Dear Mr. Lockwood,

The Albany County Agricultural and Farmland Protection Board met on August 29, 2013 to review the forms and maps you provided as well as other data provided by Albany County Office of Natural Resource Conservation, Albany County Soil and Water Conservation District, Cornell Cooperative Extension of Albany County and USDA Farm Service Agency. Following this review, we offer the following comments related to the economic effects to farmland relative to your proposed project:

- As noted in the updated design report, the boundaries of Agricultural District #3 have changed. Parcel # 30-5-1 in the Town of Colonie is no longer included in the District and has been acquired by the Albany County Airport Authority. There are approximately 38 acres of districted land on the north side of Albany Shaker Rd. and 15 acres on Old Wolf Rd. that would be potentially impacted by the proposed alternatives. As stated in the updated design report, "the project right-of-way and limit of disturbance do not encroach on the Agricultural District #3."
- Parcels 30-5-1 and 30-5-9 in the Town of Colonie, owned by the Albany County Airport Authority, are no longer farmed. Lease agreements with farmers were not renewed as FAA policy no longer supports use of lands in the runway protection zone for growing grain or corn due to concerns over conflicts with wildlife. It is our understanding that these lands, including prime soils and soils of statewide importance, will be maintained as shrub land and will not be farmed.
- Agricultural Assessment value of parcel 30-3-77 is estimated to be \$22,193. The agricultural assessment value of farmland on Old Wolf Rd. is estimated to be \$12,667. This farmland is used for the production of various vegetables. The current alternatives do not appear to encroach on these active farmlands therefore no economic impact is anticipated.
- It appears that the only potential impact to farms in the project area would be the possibility of disrupted access during construction on Albany Shaker and/or Old Wolf Rd. and drainage issues that may arise during and/or after construction.

Sincerely,

Howard Zimmer, Chairman

Howard Zimmer – Chairman / Joseph Abbruzzese / Mark Stanton / Tom Gallagher / Herbert Reilly / Harold E. Hahn / Edward Kleinke/ John Lynch / John O'Pezio / John Santacrose

From: Karl Parker
Sent: Wednesday, October 16, 2013 9:58 AM
To: Diane (DOT) Goetke
Cc: Ecker, Lee; Westrick, Lisa; Angelo (DOT) Trichilo; Christopher (DOT) White; Elizabeth (DOT) Ketcham; Geoffrey (DOT) Wood; John (DOT) Masi; Tanya (DOT) Thorne; Thomas (DOT) Kligerman; Nancy Baker; Bill Clarke
Subject: Re: PIN 1721.51 Exit 3-4 Airport Connector, Field Meeting Follow-up Summary

Diane:

This summary generally looks ok.

In regard to Item #2, as we discussed, the key is exactly where the acquisition line would be situated. When you have reached a tentative agreement on this issue with Eddie Person, please provide a map showing the proposed acquisition. In regard to Item #3, our discussion focused primarily on wetland restoration and creation opportunities, and it is in that context that I suggested a 1:1 ratio would be adequate given the proposed acquisition and protection component. I very much want to maintain a no-net loss of wetlands, and simple wetland enhancement would not achieve that. Some wetland enhancement may be appropriate as part of the overall mitigation proposal.

Please contact me if you have any questions.

Karl Parker

>>> "Goetke, Diane (DOT)"

10/10/2013 10:11 AM >>>

Karl,

Thanks for a productive meeting on Monday 10/7 at the 200 Sunset Blvd commercial property owned by Eddie Person. The following is a draft summary of what was discussed and our understanding of the conceptual agreements reached:

1) The areas of potential wetland enhancement, restoration and/or creation are located around the periphery of the existing commercial business lot at 200 Sunset Blvd. The areas identified during our site visit will be tested soon by consultants Hartgen Archeological Associates, Inc. for the presence of cultural resources. We will not be testing any of the existing developed parking areas at this time because this is an active commercial business and because testing through these filled areas would be quite difficult.

2) For the flyover alternative, DOT would propose to acquire a portion of the north parcel (200 Sunset Blvd), in the areas outside of the existing developed parking areas, for preservation and wetland enhancement, restoration and/or creation. The remaining developed area would be retained by Mr. Person so he can continue his current level of business functions.

For the diamond alternative, DOT would propose to acquire both the north and south parcels (200 & 70 Sunset Blvd) in their entirety for preservation and wetland enhancement, restoration and/or creation in areas including the developed commercial business area and the access road. Cultural resource testing would be conducted in those untested areas prior to project final design.

3) We discussed a target mitigation ratio of approximately 1:1 for wetland enhancement, restoration and/or creation, in addition to the preservation of the parcel(s) for either alternative.

4) For the flyover alternative, DOT would propose to create a buffer between the existing developed commercial business area and our wetland mitigation and preservation areas. A vegetated soil berm and/or ROW fence could serve as a visual and physical barrier to minimize future intrusions into the mitigation and preserved areas.

For the diamond alternative, unpermitted access to these parcels would be minimized through the installation of physical barriers (i.e. berms, fences, bollards, etc.)

5) DOT will explore the feasibility of eventually turning any acquired property over to Albany County for their use as additional preserved open space.

Please let me know if you agree with this summary or if you have any comments or questions.

Thanks.

Diane S Goetke
Environmental Unit Leader
Region 1 Design - Landscape Architecture & Environmental Services
New York State Department of Transportation
50 Wolf Road POD 2-3
Albany, NY 12232

From: Masi, John (DOT)
Sent: Tuesday, November 05, 2013 4:10 PM
To: Westrick, Lisa; Ecker, Lee
Subject: FW: PIN 1721.51 Exit 3-4 Airport Connector Wetland Mitigation Proposal (UNCLASSIFIED)

-----Original Message-----

From: Delorier, Christine
Sent: Tuesday, November 05, 2013 2:10 PM
To: Goetke, Diane (DOT)
Cc: Trichilo, Angelo (DOT); White, Christopher (DOT); Ketcham, Elizabeth (DOT); Masi, John (DOT); Thorne, Tanya (DOT); Nancy Baker; 'Karl Parker'
Subject: PIN 1721.51 Exit 3-4 Airport Connector Wetland Mitigation Proposal (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Good afternoon Diane and everyone,

Thank you for meeting with me today at the proposed mitigation site for the Exit 3-4 Airport Connector project.

Based on our discussions and in light of the views expressed by the NYSDEC, we agree that this site can be pursued so that you can develop a comprehensive plan that would mitigate the impacts to waters of the United States, including wetlands and stream channel, for the subject project, with all wetland mitigation to be based on adequate and proper hydrology.

Please note:

1. We also agree that a vegetative berm is warranted to protect the mitigation site from the existing business and to better demarcate the boundary.
2. We again recommend at least a 1 to 1 ratio of wetland restoration and/or establishment be pursued, in addition to the enhancement that is necessary in order to achieve success for the wetlands to be restored/established, and to assure no net loss of wetlands functions and services (ratio based on minimal or no proposed loss of forested wetlands). A breakdown of all the types of proposed mitigation will need to be part of your plan (i.e. ___ acre of emergent wetland establishment, ___ acre of scrub shrub wetland restoration, ___ linear feet of stream preservation, ___ acre of upland preservation).
3. Two invasive species are already present within the mitigation area. Please be sure to incorporate an invasive species management plan into the comprehensive mitigation plan. Please be advised that our standard within the wetland mitigation areas (to include enhancement, restoration and establishment areas) is to have no more than a total of 5% areal coverage of common reed (*Phragmites australis*), purple loosestrife (*Lythrum salicaria*), reed canary grass (*Phalaris arundinacea*), Japanese knotweed (*Polygonum cuspidatum*), Tartarian honeysuckle (*Lonicera tatarica*), Eurasian water-milfoil (*Myriophyllum spicata*), and/or other invasive species. Justification, with a reasonable alternative percentage proposed (for a specific species), must be provided for us to consider any alternative percentage.

4. Preservation of stream channel within the mitigation site may be an acceptable means of mitigating stream impacts from culvert extensions or other in-stream work associated with the project, depending on the extent of impacts and whether opportunities to further enhance stream riparian area or stream stability exist.
5. Please avoid as much as possible, any loss of more mature forested portions of the property, and develop a plan that connects the proposed wetlands to existing wetlands/stream to assure that isolated wetlands are not created.
6. Whether retained by NYSDOT or transferred to Albany County down the road, please review the model deed restriction and conservation easement language that I gave to you, and let's follow up as discussed on the means utilized by the NYSDOT to preserve sites in perpetuity.

In terms of loss to aquatic resources, we are glad to hear that the Diamond Alternative will no longer be pursued.

Please let me know if you need any additional information from me to help you move forward.

Sincerely,

Christine Delorier
Geologist/Sr. Project Manager
NY District, U.S. Army Corps of Engineers

-----Original Message-----

From: Karl Parker

Sent: Tuesday, October 22, 2013 10:26 AM

To: Diane (DOT) Goetke

Cc: Angelo (DOT) Trichilo; Christopher (DOT) White; Elizabeth (DOT) Ketcham; John (DOT) Masi; Tanya (DOT) Thorne; Thomas (DOT) Kligerman; Nancy Baker; Bill Clarke; Delorier, Christine NAN02

Subject: [EXTERNAL] Re: Final Follow-up Summary - PIN 1721.51 Exit 3-4 Airport Connector Wetland Mitigation Proposal

The revisions look ok.

One additional thing in regard to item #4: I would very much prefer the vegetated berm over an 8' chain line r.o.w. fence as the barrier between the acquisition area and the remaining lands associated with Eddie Person's business. A 4' sheep fence would be substantially less of a barrier for wildlife, if a fence was needed to delimit the property line.

>>> "Goetke, Diane (DOT)"

10/22/2013 8:32 AM >>>

Karl,

Thanks again for the productive meeting on Monday 10/7/13 at the 200 Sunset Blvd commercial property owned by Eddie Person. The following is a final summary, including your comments, of what was discussed and our mutual understanding of the conceptual agreements reached:

- 1) The areas of potential wetland enhancement, restoration and/or creation are located around the periphery of the existing commercial business lot at 200 Sunset Blvd. The areas identified during our site visit have already been tested by consultant Hartgen Archeological Associates, Inc. for the presence of cultural resources. Hartgen found no cultural resources during their investigations and are preparing a report of their findings. We did not test any of the existing

developed parking areas because this is an active commercial business and testing through these filled areas would be quite difficult.

2) a) For the flyover alternative, DOT would propose to acquire a portion of the north parcel (200 Sunset Blvd), in the areas outside of the existing developed parking areas, for preservation and wetland enhancement, restoration and/or creation. Acquisition of the parcel would protect existing wetlands and Shaker Creek from commercial and/or residential development pressure. The remaining developed area of the parcel would be retained by Mr. Person so he can continue his current level of business functions.

b) For the diamond alternative, DOT would propose to acquire both the north and south parcels (200 & 70 Sunset Blvd) in their entirety for preservation and wetland enhancement, restoration and/or creation in areas including the developed commercial business area and the access road. Cultural resource testing would be conducted in any untested areas prior to project final design. Acquisition of the parcels would protect existing wetlands and Shaker Creek from commercial and/or residential development pressure.

3) We discussed a target mitigation ratio of approximately 1:1, with a goal of no-net-loss of wetland acreage, to include a combination of wetland restoration and/or creation and appropriate enhancement of disturbed existing wetlands, in addition to the preservation of the parcel(s) for either alternative.

4) a) For the flyover alternative, DOT would propose to create a buffer between the existing developed commercial business area and our wetland mitigation and preservation areas. A vegetated soil berm and/or ROW fence could serve as a visual and physical barrier to minimize future intrusions into the mitigation and preserved areas.

b) For the diamond alternative, unpermitted access to these parcels would be minimized through the installation of physical barriers (i.e. berms, fences, bollards, etc.)

5) DOT will explore the feasibility of eventually turning over any acquired property to Albany County for their use as additional preserved open space.

I have attached maps of each alternative showing the proposed locations and acreages of ROW acquisitions and wetland mitigation boundaries. The approximate existing wetland boundaries on the parcels are also depicted for your information.

Please let me know as soon as possible if you agree with this conceptual plan as currently proposed.

Thanks.

Diane S Goetke

Environmental Unit Leader

Region 1 Design - Landscape Architecture & Environmental Services

New York State Department of Transportation

50 Wolf Road POD 2-3

Albany, NY 12232

(518) 485-9209

Classification: UNCLASSIFIED

Caveats: NONE



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



May 15, 2014

RECEIVED
MAY 19 2014
OFFICE OF ENVIRONMENT

Mr. Chris Gatchell
Federal Highway Administration
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

Dear Mr. Gatchell:

This letter responds to the Federal Highway Administration's (FHWA) letter of May 9, 2014, requesting informal conference for the northern long-eared bat (*Myotis septentrionalis*) pursuant to Section 7(a)(4) of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). The letter addresses the Federal Aid Construction Program which includes a total of 145 projects that have been identified as "Critical Bridges over Water Projects" in several regions of the New York State Department of Transportation. These are projects that the FHWA had previously determined would not result in any impacts to federally-listed species, therefore, bids have been let and project schedules have been set for the summer of 2014. The FHWA is now proactively conferring with the U.S. Fish and Wildlife Service (Service) regarding their potential to impact the northern long-eared bat. The proposed bridge project descriptions can be broken into three basic categories:

- a) Within New York City (NYC) Metro Area - 44 projects that require 30.7 acres of tree removal between May 2014 and September 30, 2014;
- b) Outside NYC Metro Area
 - a. 77 projects that will require the removal of 9.0 acres of trees between May 2014 and July 15, 2014; and
 - b. 24 projects that will require the removal of 12.7 acres of trees between July 15 and September 30, 2014.

The Service is providing comments pursuant to our authorities under the ESA. Additional comments may be provided regarding other fish and wildlife resources.

As you are aware, federal action agencies are required to confer with the Service if their proposed action is likely to jeopardize the continued existence of a proposed species. Action

agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species.

The northern long-eared bat is currently proposed for listing as endangered under the ESA and a final listing decision (endangered, threatened, not warranted) is expected in October 2014. At this time, no critical habitat has been proposed for the species. Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and “take”¹ applies regardless of an action’s stage of completion. If the FHWA retains any discretionary involvement or control over on-the-ground actions that may affect the species after listing, Section 7 consultation procedures apply. Additional information regarding the northern long-eared bat and conference procedures can be found at <http://www.fws.gov/midwest/endangered/mammals/nlba/index.html>.

We understand that all 145 projects will be completed prior to a final listing decision by the Service. The FHWA has determined that implementation of these projects is not likely to jeopardize the continued existence of the northern long-eared bat. We commend the FHWA for voluntarily conferencing with the Service on these projects.

To assess the likelihood of jeopardy, we consider whether there are likely to be impacts to individuals, populations, and the species as a whole. We have reviewed the analysis provided by the FHWA and agree with their findings. We offer our specific responses below by project category.

Inside NYC Metro Area

These projects are located in a region of the state that is highly urbanized and we agree with the FHWA’s assessment that northern long-eared bats are unlikely to occur in the proposed project locations. Therefore, no adverse effects are anticipated to any individual northern long-eared bats.

Outside of NYC Metro Area

The remaining projects are scattered across much of the State of New York. No projects are located within 0.5 miles of known hibernacula; therefore, no impacts to hibernacula or hibernating bats are anticipated. In addition, no projects are located within known summer occurrences² of the northern long-eared bat; therefore, there will be no impacts to documented roosting or foraging areas.

We now consider the potential for impacts to northern long-eared bats that may be present and occupying roost trees during the time of the activities. The FHWA coordinated with the Service and agreed to schedule 24 projects between July 15 and September 30, 2014. This period is outside the timeframe when we would expect flightless pups to be present in roosts and is a

¹ Take is defined in Section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

² Within 1.5 miles of northern long-eared bat roosts or within 3 miles of a capture of a northern long-eared bat (Service 2013).

period when maternity colonies are more dispersed with fewer bats in any given tree. We appreciate the FHWA's efforts to minimize impacts to northern long-eared bats.

Contracts for 77 additional projects had been, or are about to be, let, therefore, tree clearing may occur prior to July 15 when flightless pups may be present. However, these projects average only 30 trees per site, with most involving fewer than 20 trees per location.

For both of the above categories of projects (101 projects total), all activities will be located within 300 feet of existing pavement. In many of the situations, there may not be suitable roosting habitat present (i.e., trees may not provide suitable structure; trees may be in isolated patches). Further, northern long-eared bats appear to select roosts with fairly high canopy cover around them (56 to >84%) (Timpone et al. 2010, Perry and Thill 2007, Sasse and Pekins 1996, Lacki and Schwierjohann 2001). Trees along highway rights-of-way are on the edge of forest patches with less canopy cover. Further, these projects are all bridge projects and many likely have small patches of trees to be removed (not part of contiguous forest). In summary, the suitability of most of the project sites for northern long-eared bat roosting is likely fairly low. We have much more to learn about this species and their roosting behaviors in New York before we can reduce uncertainty and make more definitive statements about suitable roosting habitat.

We also consider the amount of available suitable habitat throughout the State of New York when assessing the risk of impacting northern long-eared bats at a given project site. Northern long-eared bats occur throughout the entire State of New York (outside of heavily urbanized settings). They form colonies in the summer of up to approximately 36-65 adults (Sasse and Pekins 1996, Lacki and Schwierjohann 2001). Colonies use 3-16 roosts in a given year (Johnson et al. 2012) and switch roosts every 2-5 days (Carter and Feldhamer 2005, Menzel et al. 2002). Given the small number of total bats in a given home range and the roosting behavior (spreading out among multiple roosts on any given day), the likelihood that any given tree is occupied by a northern long-eared bat at the time the tree is removed may be low.

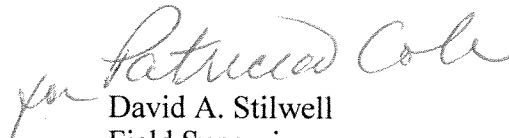
However, when considering all of the projects in total, it is not possible to entirely discount the potential presence of a small number of northern long-eared bats in the trees slated for removal. If bats are present, they may flush at the start of the activity around the roost and be at greater risk of predation by diurnal predators. If there are any flightless pups present, these would likely be killed. In summary, a small number of individual northern long-eared bats may be killed as a result of the projects outside of the NYC Metro area. We do not expect any discernable impacts to northern long-eared bat colonies given the low likelihood of any impacts at all, and the small number of anticipated bats to be killed in any given colony. Given that we do not anticipate any colony-level impacts, we agree with the FHWA's conclusion that the implementation of the proposed projects is unlikely to jeopardize the continued existence of the northern long-eared bat. This completes our conference report for the proposed projects. We have no further recommendations to avoid or minimize impacts to the northern long-eared bat at this time for these particular projects.

Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally listed and proposed endangered and threatened species in New York is available for

your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.

If you have any questions regarding this letter, please contact Sandra Doran or Robyn Niver at (607) 753-9334. Future correspondence regarding this project should reference ES project number 140678.

Sincerely,


David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Literature Cited

- Carter, Timothy C., and George A. Feldhamer. "Roost tree use by maternity colonies of Indiana bats and northern long-eared bats in southern Illinois." *Forest Ecology and Management* 219.2 (2005): 259-268.
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- Sasse, D.B., and P.J. Pekins. 1996. Summer roosting ecology of northern long-eared bats (*Myotis septentrionalis*) in the White Mountain National Forest. Pp. 91-101 in *Proceedings of the bats and forests symposium* (R.M.R. Barclay and R.M. Brigham, eds.). British Columbia Ministry of Forests, Victoria, British Columbia, Canada.
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cc: NYSDEC, Albany, NY (Wildlife Diversity)
NYSDOT, Albany, NY (D. Hitt)
FHWA, Albany, NY (M. Toni)



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

July 3, 2014

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPM-NY

Mr. Daniel Hitt, RLA
Chief, Office of Environment
New York State Department of Transportation
50 Wolf Road
Albany, NY

Subject: Federal Aid Program
Determination for ESA Section 7 Conference, Northern Long-eared Bat
Batch 3: No Jeopardy Concurrence

Dear Mr. Hitt:

This letter is in regards to the Conference Process for projects under Section 7 of the Endangered Species Act (ESA), specifically regarding Northern Long-eared Bat (*Myotis septentrionalis*). This letter applies to the 110 projects within the Federal Aid Program that are listed in the attached spreadsheet: "NLEB Federal Aid Summary Table, Batch 3, No Jeopardy".

On October 2, 2013, the U.S. Fish and Wildlife Service (USFWS) proposed to list the Northern Long-eared Bat for protection under the ESA for its range. The range of the Northern Long-eared Bat encompasses the entire state of New York, with no known exclusion areas. FHWA is anticipating that the Northern Long-eared Bat will be formally listed under the ESA within approximately 18 months of the proposal date. During the period of time when a species is "proposed" to be listed under the ESA, FHWA is required to "conference" on the species if projects "May Affect" the species.

FHWA has reviewed your letter and submission of April 15, 2014 requesting FHWA's concurrence with a determination that 110 projects within the Federal Aid Program will result in "No Jeopardy/ No Effect" to the Northern Long-eared Bat.

Data submitted for each of the 110 projects, with a proposed 37.6 acres of clearing in total, includes the number of trees to be cut for each location, and the distance from known hibernacula, maternity roost sites, and acoustic detection/mist nest sites. Based on the date that projects are scheduled to be let, and based on the timeframe between project letting and contract award, these projects are not proposed to have cutting during the time of year when the Northern Long-eared Bat could potentially be present in New York. The trees are proposed to be cut during the Conservation Cutting Window of October 1, 2014 and March 31, 2015, during the time period that the Northern Long-eared Bat is in hibernation.

The determination that cutting 37.6 acres of trees during the winter would not jeopardize the Northern Long-eared Bat was made based on several factors. The number of trees cut per location is very minimal- averaging about 20 trees per location except for the long linear projects, where strips of trees along cleared areas are proposed to be cut. These projects are spread over several miles. The projects are all spread throughout the entire state and the likelihood of multiple projects being in the same bat's home range is very low. The sharp decline in Northern Long-eared Bat across the state further diminishes the probability that bats could use this habitat upon emergence from hibernation. This determination is also based on the fact that all of the project sites are located greater than 0.5 miles from a known hibernaculum, greater than 3 miles from a mist net capture site, and greater than 1.5 miles from a known maternity roost site. These distances are cited in the Conference and Planning Guidance as distances to use for buffers around known locations of Northern Long-eared Bat.

Based on the information in the Conference Guidance, mature forest is considered to be the most important foraging and roosting habitat for the Northern Long-eared Bat. Availability of suitable habitat is generally not a limiting factor for the Northern Long-eared Bat. The transportation right-of-way areas in New York are not typically characterized as mature forest, and are a very small percentage of the overall forest areas in the state. Furthermore, the clear zone along highways is typically wide enough to constitute a forest edge, which is not the preferred habitat of northern long-eared bats. All tree removals associated with these projects will occur within 300-feet from the edge of the pavement, and are located within the right-of-way.

Based on our review of the submitted documentation, FHWA concurs that the 110 projects as listed in the attached spreadsheet will have "No Jeopardy/ No Effect" on the Northern Long-eared Bat, due to the fact that the projects involve tree cutting during hibernation when the bats are not present, and because such a negligible and discountable percentage of potential habitat will be removed during the winter cutting period. This letter concludes the Conference Process for Section 7 of the ESA for the Northern Long-eared Bat. If you have any questions or concerns, please contact Melissa Toni at 518-431-8867.

Sincerely,



Anna Price
Director, Office of Program Management

Attachment: Spreadsheet, NLEB Federal Aid Summary Table Batch 3, No Jeopardy

cc: Melissa Toni

region	PIN (see notes 2-3)	Project Description (see notes 2-3)	Local Project	PS&E Date	Let Date	Tree Removals (see notes 5-8)	
						# Trees (if < 1 ac)	Acreage (if ≥ 1 ac)
							Cutting Schedule
1	1758.00.	Erie Blvd; Jay St; Nott St and Front St. Roundabout	Y	8/22/2014	4/1/2015	1	batch 3: all cutting 10/1/14 to 3/31/15
5	5811.48.	LARGE CULVERT REPLC RTE 5.31.277 & 353 C510173	N	8/7/2014	11/4/2014	1	batch 3: all cutting 10/1/14 to 3/31/15
5	5811.49.	LARGE CULVERT REPLC RTE 5.31.277 & 353 C530083	N	8/7/2014	11/4/2014	1	batch 3: all cutting 10/1/14 to 3/31/15
5	5811.49.	LARGE CULVERT REPLC RTE 5.31.277 & 353 C550023	N	8/7/2014	11/4/2014	1	batch 3: all cutting 10/1/14 to 3/31/15
9	9752.91.	EAST BROADWAY/CR 173 TOWN OF THOMPSON	Y	Deferred	Deferred	1	batch 3: all cutting 10/1/14 to 3/31/15
2	2805.50.	ROADSIDE SAFETY/GUIDERAIL PROJECT 14	N	9/18/2014	12/4/2014	2	batch 3: all cutting 10/1/14 to 3/31/15
8	8758.79.	Denning Road / East Branch of Neversink River	Y	8/31/2014	10/31/2014	2	batch 3: all cutting 10/1/14 to 3/31/15
11	X772.52.	Interim Rehabilitation of the Trans-Manhattan Expressway Connector Ramp	Y	8/29/2013	12/18/2013	2	batch 3: all cutting 10/1/14 to 3/31/15
5	5757.10.	LOCKPORT RD @ N.WALMORE RD & LOCKPORT RD @ WARD RD PHASE I	Y	7/29/2014	9/29/2014	3	batch 3: all cutting 10/1/14 to 3/31/15
6	6067.03.123	RT I-86/Hess Rd Creek	N	6/24/2014	9/18/2014	3	batch 3: all cutting 10/1/14 to 3/31/15
1	1755.36.	CR151 over East Street and Amtrak - Element Specific Bridge Rehabilitation	Y	6/1/2014	11/18/2014	4	batch 3: all cutting 10/1/14 to 3/31/15
4	4760.61.	476061-Whitbeck Rd over Ganargua Creek Bridge Rehabilitation	Y	12/16/2014	1/16/2015	4	batch 3: all cutting 10/1/14 to 3/31/15
1	1757.33.	State Route 146 Pedestrian Safety Project-Town of Guilderland, Albany County, CM	Y	7/11/2014	9/15/2014	5	batch 3: all cutting 10/1/14 to 3/31/15
1	1759.12.	Valley Road (CR 36) over Patterson Creek	Y	TBD	3/15/2015	5	batch 3: all cutting 10/1/14 to 3/31/15
4	4078.01.	Route 78 Over East Koy Creek	N	11/6/2015	2/9/2016	5	batch 3: all cutting 10/1/14 to 3/31/15
4	4096.57.	Route 96 Over Mud Creek Bridge Replacement	N	12/18/2015	3/21/2016	5	batch 3: all cutting 10/1/14 to 3/31/15
4	4754.25.	475425-Erie Station Rd from West Henrietta Rd to Middle Rd	Y	11/6/2014	1/7/2015	5	batch 3: all cutting 10/1/14 to 3/31/15
4	4755.86.	475586-CR 8 @ CR 41 & Shortsville Rd Intersection Improvement	Y	12/19/2014	3/2/2015	5	batch 3: all cutting 10/1/14 to 3/31/15
5	5760.02.	YOUNGSTOWN RD OVER SIXMILE CREEK	Y	10/16/2014	12/16/2014	5	batch 3: all cutting 10/1/14 to 3/31/15
5	5811.49.	LARGE CULVERT REPLC RTE 5.31.277 & 353 C530002	N	8/7/2014	11/4/2014	8	batch 3: all cutting 10/1/14 to 3/31/15
3	3806.39.	ADA SIDEWALK/RAMP IMPROV CONTRACT, CORTLAND & OSWEGO COS	N	9/19/2013	8/21/2014	9	batch 3: all cutting 10/1/14 to 3/31/15
3	3806.81.	REGIONAL LARGE CULVERT REPAIR CONTRACT	N	8/3/2014	11/6/2014	9	batch 3: all cutting 10/1/14 to 3/31/15
1	1722.02.	I-87/Megsville Road Bridge Replacement	N	10/23/2014	1/15/2015	10	batch 3: all cutting 10/1/14 to 3/31/15
1	1759.47.	ER Krumkill Road Reconstruction	Y	7/15/2014	10/30/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
1	1808.03.	ADA Compliance 15 Rt. 50 Glenville	N	5/15/2014	8/14/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
1	1809.97.	ADA Compliance Guilderland	N	7/24/2014	10/23/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
2	2039.06.	SAFETY PROJECT 14, RT 365A- WILLOW - WALNUT, ONEIDA CITY	N	9/18/2014	12/4/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
3	3950.43.	Pine Tree Road Bike & Ped Path Enhancements	Y	8/11/2014	11/5/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
3	3950.44.	Enhancement, Salmon River Greenway Trail	Y	7/15/2014	11/7/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
4	4747.14.	Sidewalks 1 Locs Gen & 2 Locs Monroe	N	11/20/2014	2/5/2015	10	batch 3: all cutting 10/1/14 to 3/31/15
5	5811.49.	LARGE CULVERT REPLC RTE 5.31.277 & 353 C540007	N	8/7/2014	11/4/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
7	7932.05.	CSX Covington and Highstreet Rail Road Crossings	N	N/A	6/6/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
7	7932.14.	D & H Railroad - Canadian Main, 3 Rail Road Crossing Locations	N	N/A	6/5/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
9	9042.56.	RTE 26 SHEEDY RD. INTERSECTION IMPROVEMENTS	N	9/4/2014	12/4/2014	10	batch 3: all cutting 10/1/14 to 3/31/15
10	0758.97.	Grand Boulevard Reconstruction - City of Long Beach	Y		Fall 2014	10	batch 3: all cutting 10/1/14 to 3/31/15
1	1757.54 & 1759.60	Round Lake Road Traffic and Mobility Improvements & Round Lake Road Sidewalks	Y	September, 2014	October, 2014	11	batch 3: all cutting 10/1/14 to 3/31/15
5	5580.44.	I-290 OVER RTE 384 BIN1045001 & BIN1045002	N	12/12/2013	3/20/2014	11	batch 3: all cutting 10/1/14 to 3/31/15
8	8758.69.	Noxon Road (CR 21) @ Titusville Road (CR 49)	Y	8/31/2014	10/31/2014	11	batch 3: all cutting 10/1/14 to 3/31/15
5	5392.37.	STRUCTURAL BRIDGE REPLACEMENT OF RT 400 BRIDGE (BIN 5060589) OVER	N	1/16/2015	2/5/2015	12	batch 3: all cutting 10/1/14 to 3/31/15
9	9753.20.	SHADY TREE LN. OVER COBLESKILL CREEK	Y	8/11/2014	12/8/2014	12	batch 3: all cutting 10/1/14 to 3/31/15
9	9807.78.	SAFETAP FOLLOW-UP PROJECT 2014	N	9/17/2014	12/15/2014	12	batch 3: all cutting 10/1/14 to 3/31/15

region	PIN (see notes 2-3)	Project Description (see notes 2-3)	Local Project	PS&E Date	Let Date	# Trees (if < 1 ac)	Tree Removals (see notes 5-8) Acreage (if ≥ 1 ac)	Cutting Schedule
1	1756.60.	BALLSTON AVENUE (ROUTE 50) TRAFFIC IMPROVEMENTS	Y	9/4/2014	12/16/2014	13		batch 3: all cutting 10/1/14 to 3/31/15
5	5105.38.	RTE 39 OVER CATT. CRK BRANCH AND OTIS CRK -BRIDGE REPLACEMENTS	N	8/11/2014	11/17/2014	13		batch 3: all cutting 10/1/14 to 3/31/15
9	9501.07.	I-81 WHITNEY POINT REST AREA SEWER IMPROVEMENTS	N	7/9/2014	10/9/2014	13		batch 3: all cutting 10/1/14 to 3/31/15
5	5757.57.	NIAGARA STREET OVER TWO MILE CREEK; CULVERT REHAB; CITY OF TONAWANDA	N	9/8/2014	12/4/2014	14		batch 3: all cutting 10/1/14 to 3/31/15
9	9752.57.	CR 53 OVER NEVERSINK, TOWN OF FALLSBURG	Y	Deferred	Deferred	14		batch 3: all cutting 10/1/14 to 3/31/15
6	6011.17.101	Rt 54A Cold Brook REP	N	6/19/2014	9/18/2014	16		batch 3: all cutting 10/1/14 to 3/31/15
9	9166.37.	ROUTE 80, OTSEGO LAKE SLOPE STABILIZATION	N	9/19/2014	1/8/2015	16		batch 3: all cutting 10/1/14 to 3/31/15
6	6014.44.101	Rt 19 Cold Creek REH	N	10/23/2014	1/22/2015	19		batch 3: all cutting 10/1/14 to 3/31/15
1	1810.20.	Bridge Preservation 5 (scour repairs)	N	8/21/2014	11/20/2014	20		batch 3: all cutting 10/1/14 to 3/31/15
4	4390.13.	I390 @ I490 Interchange Improvement (Lyell Ave. Bridge)	N	3/5/2015	6/4/2015	20		batch 3: all cutting 10/1/14 to 3/31/15
5	5006.99.	MULTICOURSE OVERLAY OF I-86; FROM EXIT 20 - TO EAST SNI RESERVATION	N	8/14/2014	11/14/2014	20		batch 3: all cutting 10/1/14 to 3/31/15
6	6079.00.101	Rt 961R Cuba Reservation, Bridge REH	N	6/24/2014	9/18/2014	20		batch 3: all cutting 10/1/14 to 3/31/15
7	7044.6 .	NYS Rtes 3 and 30, Tupper Lake Village	N	8/7/2014	11/20/2014	20		batch 3: all cutting 10/1/14 to 3/31/15
8	8758.86.	Main Street Sidewalks and Streetscaping	Y	6/29/2014	8/29/2014	21		batch 3: all cutting 10/1/14 to 3/31/15
5	5580.44.	I-290 OVER RTE 265 BIN1043831 & BIN1043832	N	12/12/2013	3/20/2014	23		batch 3: all cutting 10/1/14 to 3/31/15
1	1754.68.	CR111 over Hoosic River	Y	8/1/2014	10/1/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
1	1756.86.	Corning Preserve Improvements	Y	8/15/2014	10/30/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
1	1757.21.	Sand Bank Road over Little Hoosic River (Rensselaer County)	Y	7/31/2014	9/15/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
4	4752.85.	475285-Clarendon Street Bridge over Falls Road Railroad - Village of Albion	Y	6/30/2014	8/28/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
4	4753.81.	475381-Ridgeway Ave Reconstruction from Lake to Lily - City of Rochester	Y	10/3/2014	12/4/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
5	5101.82.	OLD RTE 219 BRIDGE REPLACEMENT	N	11/15/2014	2/15/2015	25		batch 3: all cutting 10/1/14 to 3/31/15
8	8145.17.	Rte. 211 over Wallkill River	N	7/10/2014	10/9/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
8	8503.14.	Rte. 66 over Claverack Creek	N	8/14/2014	11/20/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
9	9023.04.	RTE. 369 OVER PAGE BROOK	N	8/29/2014	12/4/2014	25		batch 3: all cutting 10/1/14 to 3/31/15
9	9753.71.	CR 96 (RIVER ROAD) BRIDGE OVER NYSW RAILROAD	Y	12/10/2014	2/26/2015	25		batch 3: all cutting 10/1/14 to 3/31/15
5	5760.68.	GRAND ISLAND SAFE ROUTES TO SCHOOL PROGRAM	Y	8/8/2014	10/2/2014	26		batch 3: all cutting 10/1/14 to 3/31/15
1	1759.13.	Blair Road over Mill Brook (Warren County)	Y	9/30/2014	12/31/2014	30		batch 3: all cutting 10/1/14 to 3/31/15
8	8239.44.	Rte. 9W over Popolopen Creek	N	6/12/2014	9/18/2014	30		batch 3: all cutting 10/1/14 to 3/31/15
8	8811.75.	SFY 14/15 Stormwater Retrofit (MS4) East of Hudson	N	5/1/2014	8/14/2014	30		batch 3: all cutting 10/1/14 to 3/31/15
9	9056.39.	RTE. 8 OVER WHITE STORE CREEK AND GREAT BROOK	N	9/4/2014	12/4/2014	30		batch 3: all cutting 10/1/14 to 3/31/15
9	9067.58.	SUBSTRUCTURE REPAIRS 2015	N	11/20/2014	2/19/2015	30		batch 3: all cutting 10/1/14 to 3/31/15
Thruway	H1120.1	Rotterdam (Exit 26, MP 163.3) to East of Amsterdam (MP 170.0): Pavement Resurfacing	N	1/21/2015	3/18/2015	30		batch 3: all cutting 10/1/14 to 3/31/15
9	9805.90.	CULVERT REPLACEMENT & REPAIR; CHENANGO, & SULLIVAN CO.	N	7/10/2014	10/9/2014	32		batch 3: all cutting 10/1/14 to 3/31/15
1	1757.32.	HELDERBERG HUDSON RAIL TRAIL	Y	9/5/2014	1/30/2015	35		batch 3: all cutting 10/1/14 to 3/31/15
9	9806.04.	CULVERT LINING, INVERT PAVING AND REPAIR, BROOME & TIOGA	N	11/14/2013	2/6/2014	40		batch 3: all cutting 10/1/14 to 3/31/15
Thruway	H1142.1	Taconic State Parkway (Exit B-2, MP BS15.0) to east of Canaan Toll Barrier (MP BS15.0)	N	8/4/2014	3/11/2015	40		batch 3: all cutting 10/1/14 to 3/31/15
10	0809.20.	PM Bridge Repair Contract -- 6 Bridges I495 and NY 27	N	5/29/2014	9/4/2014	44		batch 3: all cutting 10/1/14 to 3/31/15
1	1757.71.	Luther Road (NY151): Ped/Bike Access Improvements- Town of East Greenbush, Rensselaer County	Y	7/29/2014	9/1/2014	45		batch 3: all cutting 10/1/14 to 3/31/15
5	5470.30.	ELMWOOD OVER RTE 198	N	11/5/2014	2/5/2015	46		batch 3: all cutting 10/1/14 to 3/31/15
1	1721.51.	I-87 Exit 4 Bridge Replacement and wetland mitigation for Phases 1 and 2	N	6/19/2014	9/18/2014	50		batch 3: all cutting 10/1/14 to 3/31/15
1	1759.50.	Ensign Pond Road over Mill Brook (Essex County)	Y	8/31/2014	11/30/2014	50		batch 3: all cutting 10/1/14 to 3/31/15
11	X071.48.	HARLEM RIVER DRIVE VIADUCT RECONSTRUCTION	Y	8/21/2013	4/30/2014	50		batch 3: all cutting 10/1/14 to 3/31/15
Thruway	H1127.1	I-287 (MP 11.00) to Tappan Zee Bridge Toll Barrier (MP 13.00): Pavement Resurfacing	N	11/26/2013	1/21/2015	50		batch 3: all cutting 10/1/14 to 3/31/15

region	PIN (see notes 2-3)	Project Description (see notes 2-3)	Local Project	PS&E Date	Let Date	# Trees (if < 1 ac)	Acreage (if ≥ 1 ac)	Tree Removals (see notes 5-8) Cutting Schedule
Thruway 6 10 10	H1151.1	Westfield (Exit 60, MP 485.0) to Pennsylvania State Line (MP 496.0) Westbound: Pa	N	12/30/2014	2/25/2015	50		batch 3: all cutting 10/1/14 to 3/31/15
	6039.11.	Rt 427 Chemung River	N	TBD	8/1/2014	52		batch 3: all cutting 10/1/14 to 3/31/15
	0756.56.	Suffolk CR 3 - Intersection Realignment (Phase II)	Y		11/20/2014	65		batch 3: all cutting 10/1/14 to 3/31/15
	0059.21.	NY 27 Ped-X Safety Improvements	N	2/6/2014	10/23/2014	74		batch 3: all cutting 10/1/14 to 3/31/15
	H1118.1	Waterloo (Exit 41, MP 320.70) to Geneva (Exit 42, MP 327.54): Pavement Resurfacing	N	1/21/2015	3/18/2015	75		batch 3: all cutting 10/1/14 to 3/31/15
	0759.34.	Herb Hill Rd/Garvies Point Road Reconstruction - City of Glen Cove	Y		Fall 2014	86		batch 3: all cutting 10/1/14 to 3/31/15
Thruway 10 6 8 4	6804.75.101	Culvert Repair	N	11/6/2014	2/5/2015	98		batch 3: all cutting 10/1/14 to 3/31/15
	8755.41.	Noxon Rd (CR 21): Rt 55 to Titusville Road (CR 49)	Y	8/31/2014	10/31/2014	98		batch 3: all cutting 10/1/14 to 3/31/15
	4754.08.	475408-Canalway Trail Through Highland Park to Riverway	Y	8/14/2014	10/10/2014	100		batch 3: all cutting 10/1/14 to 3/31/15
	8756.88.	Forshaw Road: Viola Road to Willow Tree Road	Y	7/2/2014	9/2/2014	100		batch 3: all cutting 10/1/14 to 3/31/15
	H1122.1	New Palitz (Exit 18, MP 76.5) to South of Kingston (MP 86.8): Pavement Resurfacing	N	1/7/2015	3/4/2015	100		batch 3: all cutting 10/1/14 to 3/31/15
	6067.16.121	Bridge PM - 17 East Bridges	N	9/4/2014	12/4/2014	109		batch 3: all cutting 10/1/14 to 3/31/15
Thruway 5 10 4	5811.50.	Rt 98 Large Culvert Replacement	N	2/3/2015	4/30/2015	116		batch 3: all cutting 10/1/14 to 3/31/15
	0809.39.	Park & Ride/Bikeway Graffiti Removal & Tree Trimming	N	6/26/2014	9/18/2014	118		batch 3: all cutting 10/1/14 to 3/31/15
	4490.33.	1490 Bridge over Marsh Road	N	12/4/2015	3/3/2015	150		batch 3: all cutting 10/1/14 to 3/31/15
	4T38.14.	2 Culvert Replacements 2Rehabs Liv & Mon Cos.	N	12/4/2014	2/19/2015	160		batch 3: all cutting 10/1/14 to 3/31/15
Thruway 7 5 9 5 3 10 3 5 11	7004.06.	NYS Rte. 37B (Parker Ave.) Bridge Replacement Project	N	2/12/2015	5/28/2015	160		batch 3: all cutting 10/1/14 to 3/31/15
	5807.95.	SNOWFENCE PROJECT RTE 20, 219 & 394	N	8/11/2014	11/6/2014	272		batch 3: all cutting 10/1/14 to 3/31/15
	9THT.15.	HAZARDOUS TREE REMOVAL BLOCK 2014/15	N	6/24/2014	9/18/2014	300		batch 3: all cutting 10/1/14 to 3/31/15
	H1131.1	Woodbury Toll Barrier (MP 46) to Newburgh (Exit 17, MP 60.1): Pavement Resurfacing	N	12/10/2014	2/4/2015	300		batch 3: all cutting 10/1/14 to 3/31/15
	5410.54.	ROBERT MOSES PARKWAY SOUTH	N	6/9/2014	9/4/2014	339		batch 3: all cutting 10/1/14 to 3/31/15
	3806.70.	REGIONAL TREE REMOVAL CONTRACT		5/14/2014	8/14/2014	350		batch 3: all cutting 10/1/14 to 3/31/15
	0054.22.	NY 347 Reconstruction - Phase 4 -- Mt. Pleasant to Terry	N	N/A	NTP-6/14	350		batch 3: all cutting 10/1/14 to 3/31/15
	3107.12.	RT 481 INTERSECTION W/CR 45, TOWN OF VOLNEY, OSWEGO CO	N	9/2/2014	12/3/2014		1.44	batch 3: all cutting 10/1/14 to 3/31/15
	5758.79.	STRUCTURAL BRIDGE REPLACEMENT OF REDHOUSE BRIDGE (BIN 6012230)	N		2/15/2015		7.00	batch 3: all cutting 10/1/14 to 3/31/15
	X021.54.	Replacement of Shore (Belt) Parkway Bridge over Gerritsen Inlet	Y	9/9/2011	6/26/2012		12.10	batch 3: all cutting 10/1/14 to 3/31/15

5107 20.54

5107 divided by 300 trees per acre is 17.02 acres



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
PHONE: (607)753-9334 FAX: (607)753-9699
URL: www.fws.gov/northeast/nyfo/es/section7.htm

Consultation Tracking Number: 05E1NY00-2014-SLI-1005

August 07, 2014

Project Name: PIN 172151

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects

should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: PIN 172151

Official Species List

Provided by:

New York Ecological Services Field Office

3817 LUKER ROAD

CORTLAND, NY 13045

(607) 753-9334

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Consultation Tracking Number: 05E1NY00-2014-SLI-1005

Project Type: Transportation

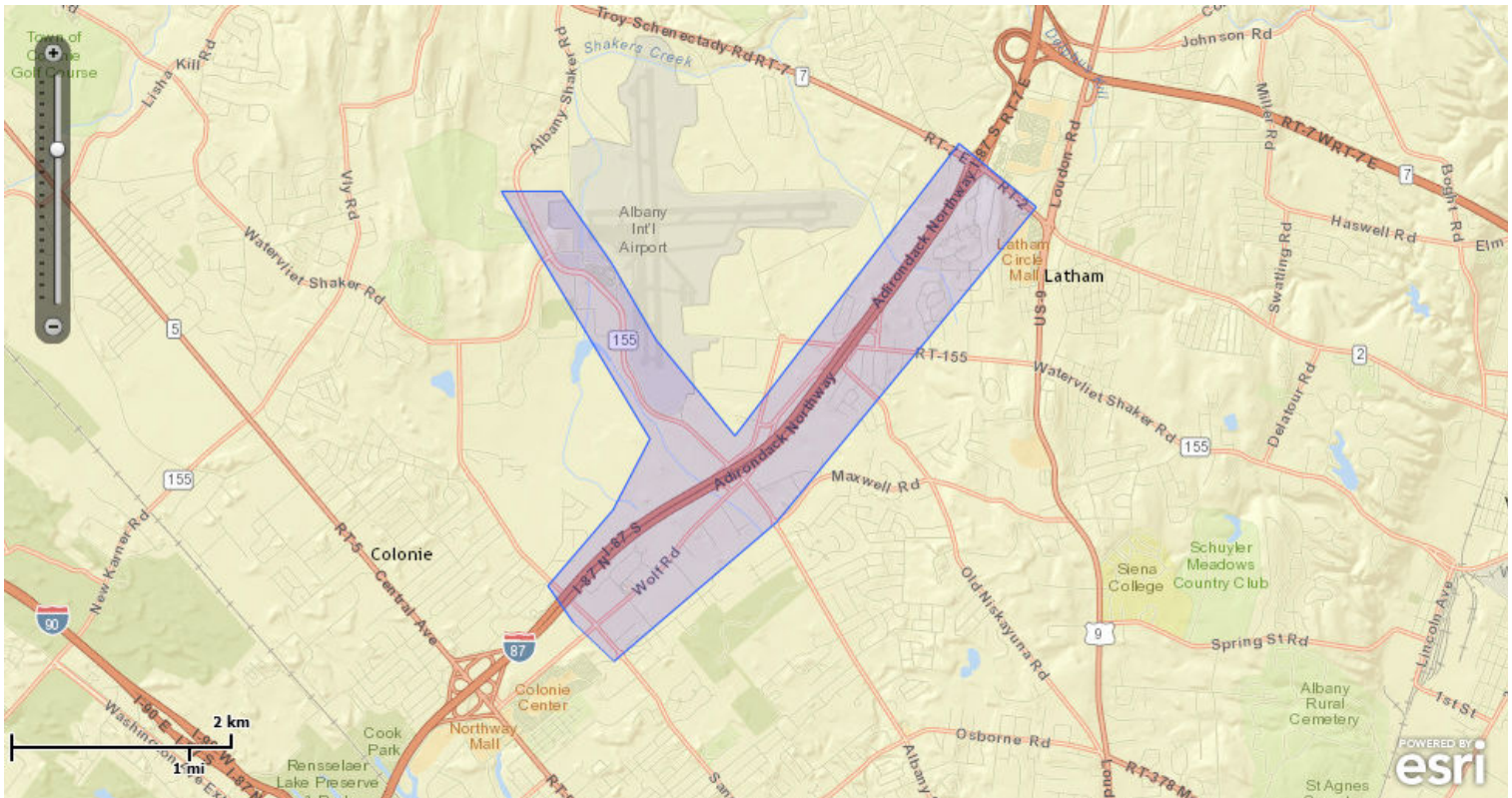
Project Description: Interstate I-87 Exit 4 Access Improvements including 2 bridge replacements over I-87.



United States Department of Interior
Fish and Wildlife Service

Project name: PIN 172151

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-73.8216648 42.750895, -73.81497 42.750895, -73.8094769 42.7450963, -73.8044987 42.7387927, -73.7957469 42.7309754, -73.770856 42.7548025, -73.7622729 42.7496344, -73.7910506 42.7239898, -73.8091866 42.7125949, -73.8136755 42.7157607, -73.8165179 42.7187431, -73.8093081 42.7249226, -73.8051882 42.7307232, -73.8216648 42.750895)))

Project Counties: Albany, NY



United States Department of Interior
Fish and Wildlife Service

Project name: PIN 172151

Endangered Species Act Species List

There are a total of 4 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Insects	Status	Has Critical Habitat	Condition(s)
Karner Blue butterfly (<i>Lycaeides melissa samuelis</i>) Population: Entire	Endangered		
Mammals			
Indiana bat (<i>Myotis sodalis</i>) Population: Entire	Endangered		
northern long-eared Bat (<i>Myotis septentrionalis</i>)	Proposed Endangered		
Reptiles			
Bog Turtle (<i>Clemmys muhlenbergii</i>) Population: northern	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: PIN 172151

Critical habitats that lie within your project area

There are no critical habitats within your project area.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION - REGION ONE
50 WOLF ROAD
ALBANY, NEW YORK 12232
www.dot.ny.gov

SAM ZHOU, P.E.
REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

August 8, 2014

Omar Elkassed
Area Engineer
FHWA NY Division
Leo W. O'Brien Federal Building
Room 719
11A Clinton Ave.
Albany, NY 12207

**RE: Endangered Species Determination
PIN 1721.51 Interstate I-87 Exit 4 Access Improvements
BINs 1033141 & 1033142
Town of Colonie, Albany County**

Dear Mr Elkassed:

The proposed project involves access improvements between Interstate 87 (I-87), Wolf Road, and the Albany International Airport. The project study area includes I-87 between Sand Creek Road and Exit 5 (RM 87I 1108 2029), Wolf Road (known as Old Wolf Road) between the Exit 4 SB Exit Ramp and Albany-Shaker Road, Wolf Road between Albany-Shaker Road and Cerone Commercial Drive, and Albany-Shaker Road between Wolf Road and Meeting House Road. A total of approximately 8.0 miles of roadway within the Town of Colonie, Albany County are included in the project study area.

There are two phases to the project. The first phase involves the replacement of the north and southbound bridges on I-87 over Albany-Shaker Road in the Town of Colonie in Albany County (BINs 1033141 and 1033142). Both of these bridges have numerous structural deficiencies including bearing and joint failure and concrete spalling. This phase also involves placing extensions on 6 culverts and installing stone aprons. The second phase involves access improvements between I-87, Wolf Road and the Albany International Airport.

NEPA

The entire project has been classified as a NEPA Class I in accordance with 23 CFR 771 which require the preparation of an Environmental Impact Statement.

Project Location

Town of Colonie, Albany County
Albany Quad
Lat/Long 73°47'45.173"W 42°43'41.942"N
Decimal Degrees -73 47.752876 42 43.699026

Federally Endangered or Threatened Species

The US Fish & Wildlife Service (USFWS) Information, Planning and Conservation System (IPaC) website for Federally endangered species lists Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Karner blue butterfly (*Lycaeides melissa samuelis*), and bog turtle (*Clemmys muhlenbergii*). (See enclosed.) Shortnose Sturgeon (*Acipenser brevirostrum*) and Atlantic Sturgeon (*Acipenser oxyrinchus*) are also listed as endangered.

Indiana bat (*Myotis sodalis*) summer roosting habitat consists of dead, dying or live trees or snags with exfoliating or defoliating bark, or containing cracks or crevices. The project site is 12 miles from a priority 4 hibernaculum (Hailes Cave) in Albany County.

Long-eared bat (*Myotis septentrionalis*) Habitat for the summer may include day roosts in buildings, under tree bark or shutters, or caves during the night. Hibernation sites are often in mines or caves, and this species may co-

hibernate with other species. Foraging habitat includes forested hillsides and ridges, and small ponds or streams. The project site is located 12 miles from a Northern long-eared bat hibernaculum (Hailes Cave). There are no known capture or acoustical survey records or known roost areas in Region 1 for this species. This project was submitted to FHWA and USFWS under batch 3 for effects to the northern long-eared bat. A "No Jeopardy" response from the USFWS was received on July 3, 2014. (See enclosed.)

The entire project will require the cutting of 50 trees. For the first phase, approximately 20 trees will need to be cut including poplar, cottonwood, red oak, silver maple, slippery elm and red maple. In order to protect these two species from project-related impacts, the trees will be cut **between October 31st through March 31st**. Because the trees will be cut during the time the bats are in their hibernacula, it will result in a "may effect but not likely to adversely effect" the Indiana and long-eared bat species.

Karner blue butterfly (*Lycaeides melissa samuelis*) - this invertebrate species is found in dry, sandy areas with open woods and clearings supporting wild blue lupine. This type of habitat is usually associated with pitch pine/scrub oak or oak savannah communities that are maintained by fire at an early stage of plant succession. The project site was evaluated for potential Karner blue habitat in June 2014 but none was found so there will be "no effect" to the Karner blue butterfly.

Bog turtle (*Clemmys muhlenbergii*) prefers habitat with cool, shallow, slow-moving water, deep soft muck soils, and tussock-forming herbaceous vegetation. In New York, the bog turtle is generally found in open, early successional types of habitats such as wet meadows or open calcareous bogs, generally dominated by sedges (*Carex spp.*) or sphagnum moss. A field visit in June 2014 showed that there is no suitable habitat on the project site. Therefore, there will be "no effect" to the bog turtle from the project activities.

Shortnose Sturgeon (*Acipenser brevirostrum*) and Atlantic Sturgeon (*Acipenser oxyrinchus*). In New York, these sturgeon are found only in the Hudson River and its immediate tributaries, where they move seasonally from New York Harbor to the Troy Dam. The Hudson River is 6 miles east of the project site so there will be "no effect" to the sturgeon from project activities.

Because the second phase of the project is scheduled to begin in 2019, prior to construction, the endangered species analysis will be reassessed based on current procedures and listed species.

Bald Eagle

Based on the Natural Heritage database, the nearest bald eagle nest is located 6 miles east on the Hudson River north of Troy. No bald eagle nests were found on the project site during a site visit in June 2014.

Nationwide Permit

NYSDOT anticipates that the work at these locations can be authorized under the US Army Corps of Engineers (USACOE) General Permit Program (reauthorized March 2012) pursuant to Section 404 of the Clean Water Act (33 USC 1344). Specifically, the proposed work can be accomplished in accordance with Nationwide Permit (NWP) 3 – Maintenance.

If you have questions or require additional information, please contact our office as follows:

Betty Ketcham, Environmental Contact
Phone: (518) 485-9295
Fax: (518) 457-6887
E-mail: Elizabeth.Ketcham@dot.ny.gov

Sincerely,

Diane S. Goetke
R1 NYSDOT Environmental Unit Leader
DG:BK

Enclosures:

1. IPAC
2. Location map
3. No Jeopardy letter from USFWS



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

August 12, 2014

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HED-NY

Mr. David Stilwell
U.S. Fish and Wildlife
3817 Luker Road
Cortland, NY 13045

Subject: Threatened and Endangered Species Determination
PIN 1721.51 Interstate I-87 Exit 4 Access Improvements – Phase 1
BINs 1033141 & 1033142
Town of Colonie, Albany County

Dear Mr. Stilwell:

We have reviewed the documentation dated August 8 regarding ESA consultation for the subject project. The Federal Highway Administration (FHWA) concurs with New York State Department of Transportation (NYSDOT) Region One's determination that the project will have "*No Effect*" on the Karner blue butterfly, Bog turtle, Shortnose Sturgeon, Atlantic Sturgeon and Bald Eagle.

FHWA also concurs with NYSDOT's determination that the project "*May Affect, but Not Likely to Adversely Affect*" the Indiana Bat, since approximately 20 trees will be removed during the tree clearing period of November 1, 2014 to March 31, 2015. Please see enclosed supporting documentation and project maps. The New York Division is requesting concurrence with this determination from United States Fish and Wildlife Service (USFWS).

FHWA issued a determination of "*No Jeopardy/No Effect*" since the proposed to be listed Northern long-eared bat will not be listed prior to April 1st 2015 and that the project will adhere to a cutting window of November 1, 2014 to March 31, 2015.

We would appreciate your response at your earliest convenience. Meanwhile, if you have any questions or concerns, please contact me at 518-431-8891.

Sincerely,

Ian Weibel, P.E.
Area Engineer

Enclosure: USFWS Endangered Species Documentation Packet (August 08)

cc: Diane Goetke, Environmental Unit Leader, Region 1 NYSDOT (w/o enclosure)
Betty Ketcham, Environmental Unit, Region 1 NYSDOT (w/o enclosure)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



August 14, 2014

Mr. Ian Weibel, P.E.
Area Engineer
Federal Highway Administration
Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207

Dear Mr. Weibel:

This responds to your August 12, 2014, letter regarding the New York State Department of Transportation's (NYSDOT) proposed Interstate 87 Exit 4 Access Improvements – Phase 1 (PIN 1721.51) located in the Town of Colonie, Albany County, New York. We understand that the U.S. Department of Transportation's Federal Highway Administration (FHWA) is involved with funding the project.

Pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the FHWA has determined that the proposed project may affect, but is not likely to adversely affect, the federally-listed endangered Indiana bat (*Myotis sodalis*). Given the location (no known roosting/foraging habitat), extent of tree removal (~20 trees), and the proposed conservation measures (e.g., conducting tree removal between November 1, 2014, and March 31, 2015), we do not anticipate any adverse impacts to the Indiana bat. Therefore, we concur with your determination.

The FHWA has also considered the potential for impacts to the northern long-eared bat (*Myotis septentrionalis*), but is not requesting U.S. Fish and Wildlife Service (Service) review or concurrence with any determinations for this species at this time. As you are aware, the northern long-eared bat is currently proposed for listing as an endangered species under the ESA and a final listing decision is expected in April 2015. At this time, no critical habitat has been proposed for the species. Pursuant to section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if their proposed action is likely to jeopardize the continued existence of the northern long-eared bat. Action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species.

Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and “take”¹ applies regardless of an action’s stage of completion. If the FHWA retains any discretionary involvement or control over on-the-ground actions that may affect the species after listing, section 7 consultation procedures apply. Additional information regarding the northern long-eared bat and conference procedures can be found at <http://www.fws.gov/midwest/endangered/mammals/nlba/index.html>.

In addition, the FHWA has determined that the project will result in no effects to the federally-listed endangered Karner blue butterfly (*Lycaeides melissa samuelis*) or the federally-listed threatened bog turtle (*Clemmys* [= *Glyptemys muhlenbergii*]) as no suitable habitat for these species occurs at the project site. We have no additional comments on these species.

No further coordination or consultation under the ESA is required with the Service at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed projects is current.*

In addition to the above-referenced determinations regarding federally-listed or proposed species, the FHWA has also determined that the project will result in no effects to the bald eagle (*Haliaeetus leucocephalus*). As you are aware, bald eagles have been delisted pursuant to the ESA, but remain protected under the Migratory Bird Treaty Act (MBTA) (40 Stat. 755; 16 U.S.C. 703-712), the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended; 16 U.S.C. 668 *et seq.*), and by the State of New York. If eagles are found within the project area, the Service recommends that the NYSDOT follow the Bald Eagle Management Guidelines found on our website.

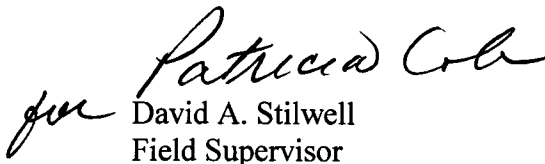
The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA, MBTA, and BGEPA. This response does not preclude additional Service comments under other legislation.

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

¹ Section 3 of the ESA defines “Take” as, “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The term “Harm” is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. “Harass” is further defined by the Service as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

Thank you for your time. If you require additional information or assistance please contact Sandie Doran or Robyn Niver at (607) 753-9334. Future correspondence with us on these projects should reference project file 90652.

Sincerely,


David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Schenectady, NY (Env. Permits)
NYSDEC, Albany, NY (Wildlife Diversity)

EXECUTIVE ORDER 11990 WETLANDS
STATEMENT OF FINDINGS

PIN 1721.51
I-87 EXIT 4 ACCESS IMPROVEMENTS
TOWN OF COLONIE, ALBANY COUNTY

This project was reviewed for compliance with Executive Order 11990, Protection of Wetlands and the U.S. DOT Order 5660.1A.

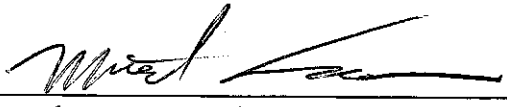
The project involves unavoidable direct permanent impacts to 1.74 acres of Federal jurisdictional wetlands. The project will not involve indirect impacts to Federal jurisdictional wetlands. The types of wetlands impacted are Palustrine Emergent Marsh, Palustrine Forest, and Wet Meadow. These wetlands are primarily located within the median of I-87, along the outside of the I-87 embankments, and in the meadow west of I-87 and south of Albany Shaker Road. This work is necessary to fulfill the purpose and need of the proposed project: to improve access between I-87 and the Albany International Airport and between I-87 and Wolf Road; improve safety and traffic operations at Exit 4; address bridge structural deficiencies on the I-87 bridges over Albany-Shaker Road; and to improve system connectivity between the existing pedestrian/bicycle facilities on Wolf Road and the facilities constructed as part of the Albany/Watervliet-Shaker Road project.

The project was designed to minimize impacts to wetlands through the use of steeper embankment fill slopes, aligning new ramps to avoid wetlands or minimize wetland impacts, using retaining walls where the new ramps travel through existing wetlands, and shifting the mainline I-87 alignment into the median for replacement of the bridges over Albany Shaker Road to minimize impacts to wetlands located outside of the existing I-87 embankment. Based on these considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands that would avoid all wetland areas and that would meet the stated objectives of the proposed project and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from the project.

Erosion and sediment control will be designed to protect wetland areas during construction using Stormwater Management Practices as part of a Stormwater Pollution Prevention Plan. The design will incorporate the requirements of the NYSDOT Standard Specification for Temporary Soil Erosion and Water Pollution Control and the New York State Standards and Specifications for Erosion and Sediment Control.

Based on this information I find that (1) there is no practicable alternative to such construction; and (2) this construction of the selected Flyover Alternative contains all practicable measures to minimize harm to wetlands which may result from such use.

September 15, 2014
Date


Jonathan D. McDade
Division Administrator
Federal Highway Administration

